



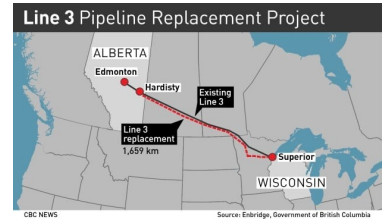
Gi-Ganawemaanaan Nibi: We Are Protecting the Water

July 2019

Nibi Akawe Mashkiki, water is the first medicine. **Nibi Bimaadiziwin**, water is life. Any threat to water is a threat to all life, the Anishinaabeg, **giigoonh** (fish), **mashkiki** (medicines) and all of our other **indinawemaaganag** (relatives). As industry continues to try to destroy the **aki** (land) and **nibi** (water) people continue to resist.

Line 3 Updates:

- A proposed tar sands pipeline that would cross over 200 water ways and the heart of **Manoomin** (wild rice) nibi from the Cree, Chipewyan and Metis territory known as Alberta, Canada to **Oodenaang** (Superior, WI).
- Enbridge still needs the following permits: Minnesota 401 Water Quality Permit, National Pollutant Discharge Elimination System (NPDES) Wastewater and Air Quality Permits, 10 DNR permits and a federal Wetland and Waterways Crossing Permit.
- MN Public Utility Commission's (PUC) *had* approved the Line 3 Route and Certificate of Need. During a recent court appeal, a judge found the state's Environmental Impact Statement (EIS) failed to include the impact of a potential oil spill in the **Anishinaabe Gichigami** (Lake Superior) basin. The Certificate of Need and the Route permit are no longer valid and no other state permits can be granted until an updated EIS is approved.
- A proposed MN Congressional Spending Bill going to conference committee may cut funding for the Department of Commerce's appeal of the PUC's Certificate of Need for Enbridge Line 3. The bill would also make disrupting pipeline worksites a five-year felony.
- State Agencies are relying on Enbridge's interpretation of "construction" (Minnesota Rules 7852.0100) and allowing Enbridge to drill along the shores of the Mississippi and clear cut the Line 3 route under the guise of "surveying" despite not having the permits to begin construction.
- On June 3rd Great River Energy, an Enbridge contractor, was found to be clear cutting an area to build powerlines that would power a future Line 3 pumping station on Army Corps land. Enbridge is only lacking Minnesota state and federal permits for the Line 3 project and per Minnesota Rule 7852.0100 any construction is illegal. "Construction" includes "clearing of land, excavation, or other action for the purpose of construction new pipeline". Concerned individuals peacefully locked themselves to equipment and halted construction. Police in riot gear were deployed to the scene.



Enbridge exposed for clearing the proposed Line 3 route



Enbridge contractors drilling on the shores of the Misi-ziibi (Mississippi River)

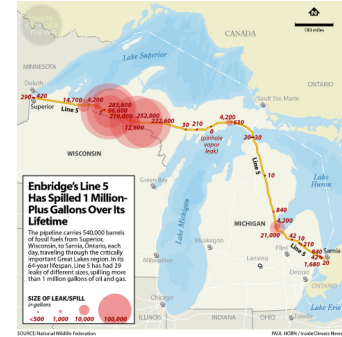


Concerned individuals halted construction at a Line 3 worksite to protect the Nibi and Manoomin

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Line 5 Updates:

- Enbridge's 66 year old pipeline transport oil and liquid natural gas from **Oodenaang** (Superior, WI) to just outside of the Aamjiwnaang First Nation near Sarnia, Ontario travelling under the Straits of Mackinac. Line 5 has had more than 30 spills totaling over 1 million gallons of oil.
- Red Cliff continues to engage with the US Forest Service regarding an expired Special Use permit through the Chequamegon-Nicolet National Forest.
- Enbridge applied for a Army Corp permit to perform maintenance (replace support anchors and protective coatings) on Line 5 in the Straits of Mackinac, but no permit has been granted yet.
- On March 28th, 2019 MI Governor Whitmer passed Executive Directive No. 2019-13 stating that PA 359 (which would lead to the creation of a underground tunnel for Line 5 in the Straits of Mackinac) was unconstitutional and stopped all action associated with PA 359.
- March 29th, 2019 US District Court, Eastern District of Michigan, Southern Division ruled that Enbridge's Spill Response Plan for Superior Response Zone and Great Lakes Response Zone is inadequate, but it is not clear what actions Enbridge will take to reconcile the problem.
- During a late April rain storm the Bad River experienced high water levels. Bad River Tribal Chair Mike Wiggins asked Enbridge to temporarily stop the flow of Line 5 during the weather and Enbridge refused.
- The Bad River is eroding a meander that Line 5 crosses through. The image to the right (courtesy of Tribal Chair Mike Wiggins) shows where the pipeline route (the black line) with a red dot indicating where the meander will erode the land and meet the pipeline. This is expected to occur within 5 years.
- In April, Governor Whitmer was meeting with Enbridge about decommissioning Line 5 within two years. Attorney General Nessel stated that if Enbridge doesn't agree to a timeline for decommissioning Line 5 that she will revoke their right to operate Line 5 in Michigan. Enbridge left the negotiations in early June and is threatening litigation. On June 27th, Michigan Attorney General filed a lawsuit against Enbridge to decommission the pipeline.
- Miskwabekaang (Red Cliff) passed a resolution calling for Line 5 to be shut down and removed from ceded territory.
- On June 20th, Bad River hosted a public meeting and informed the public that Enbridge is requesting to do two integrity digs on reservation this summer. Bad River also has plans to take Enbridge to court to remove the pipeline from the Bad River watershed.



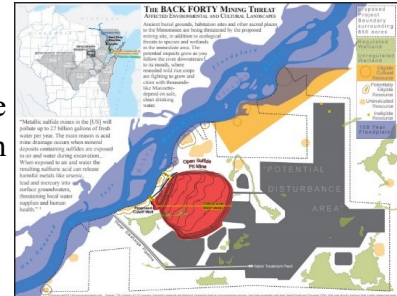


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Back 40 Mine Updates:

- The Back 40 Mine is a proposed sulfide mine on the shores of the **Manoominkaani-ziibi** (Menominee River), upstream of the birth of the Menominee People and **Boojwiikwed** (Green Bay).
- Miskwabekaang (Red Cliff) passed a resolution opposing the Back 40 Mine and supporting our Menominee indinawemaaganag .
- Michigan Department of Environment, Great Lakes and Energy (EGLE), formerly MDEQ, held a Consolidated Public Hearing for three of the permits on June 25th in Stephenson, Michigan. Almost all 300 people attendees opposed the mine. Of the roughly 60 speakers about ten of them supported the mine for financial reasons . The law enforcement presence included Michigan State Police, Menominee County Sheriff, Conservation Officers and DNR Environmental Investigation Division. Law enforcement was searching bags and purses as the public entered Stephenson High School.
- The permits discussed at hearing all have open comment periods. The Amended Mining Permit application and Permit To Install application are open until July 23rd. The comment for the Dam Safety Permit is open until July 5th.



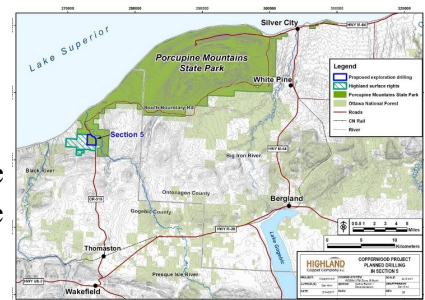
noback40.org/Documents/MineSiteMap.jpg



Consolidated Public Hearing June 25, 2019

Copperwood Mine Updates:

- The Copperwood Mine is a proposed copper mine near the shores of Anishinaabe Gichigami just outside of the Porcupine State Park.
- Copperwood Project's proposed Water Intake Structure (WIS) in Lake Superior is currently the only federally regulated aspect of this project, which would pump 500,000 gallons of nibi out of Anishinaabe Gichigami each day. This structure would pump water from between the **Makadewaagamiwi-ziibi** (Black River) and the **Gaa-minitigojiwaniing** (Pesque Isle River)
- Several Lake Superior Ojibwe tribes are meeting with the Army Corp of Engineers.
- A portion of the proposed route of the WIS will cross the Ottawa National Forest requiring a USFS Special Use permit, but no permit application has been submitted.
- The Michigan NPDES permit for this project has expired and an updated permit is needed.



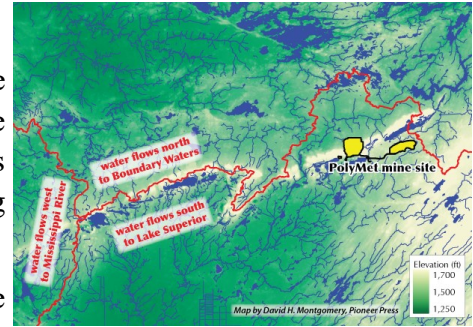
Above:

https://www.juniorminingnetwork.com/images/news/Highland_Copper_2-14-2017.jpg

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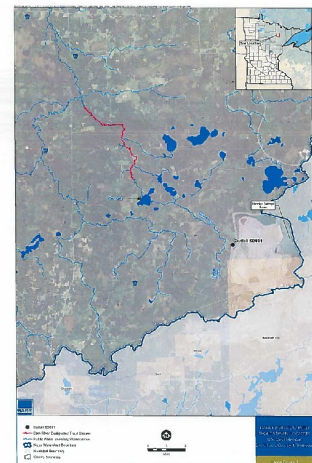
PolyMet Mine Updates:

- The proposed sulfide mine located just outside of the Boundary Waters received its 404 Wetlands Permit from the Army Corp of Engineers on March 22nd, 2019, which was the last permit the company needed to begin building Minnesota's first copper-nickel mine.
- This is the first mine of its kind in the State and opponents are concerned that this will set the stage for many more to follow. PolyMet stock prices have been decreasing and there are reports of employee layoffs.
- Fond du Lac's legal challenge regarding land that was transferred from the US Forest Service to PolyMet recently resumed.
- EPA recently released staff comments regarding the Minnesota issued NPDES permit. These comments, which showed concern for the project's ability to meet water quality standards, had been suppressed by EPA's Great Lakes regional office. This is fueling a lawsuit against the MPCA for their issuance of the NPDES permit. The MPCA is also the subject of a lawsuit for reissuing the Minntac Iron Mine NPDES permit in December 2018.



Minntac Mine Updates:

- The MN Pollution Control Agency (MPCA) reissued a discharge permit for the Minntac Iron Mine. Minntac had continued operating after their previous permit expired in 1992. Data shows that Minntac is discharging contaminated waste, which is likely decimating nearby manoomin lakes.
- Fond du Lac filed a suit with the support of Bad River, Bois Forte, Grand Portage, Mille Lacs, Lac Courte Oreilles, Lac du Flambeau, Lac Vieux Desert, 1854 Treaty Authority and GLIFWC against the MPCA for reissuing the discharge permit.
- Red Cliff's request for consultation with the MPCA regarding the reissuance of the discharge permit was denied due to the suit filed by Anishinaabe tribes and intertribal agencies.
- U.S. Steel, the company that owns Minntac Mine, petitioned MPCA to reclassify portions of the Dark River down stream of Minntac to remove some protections. Minntac's history of discharging mining waste indicates that this will allow the mine to increase their discharge into the river. Red Cliff submitted a letter directing the MPCA to deny the petition.



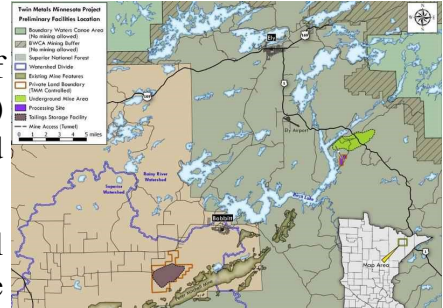


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Twin Metals Mine Updates:

- After reviewing an Environmental Assessment the Bureau of Land Management (BLM) and US Forest Service (USFS) determined a Finding Of No Significant Impact and approved the mining lease.
- Twin Metals is expected to apply for mining permits by Fall 2019. The Minnesota DNR and BLM/USFS will collaborate for an EIS when a mining application received.



Empire Mine Updates:

- The Empire Mine is planning to resume operations after idling for several years. Empire Iron Mining Partnership applied for two permits, Part 301 Inland Lakes and Streams and Part 303 Wetlands, to turn 66.3 acres of wetlands and streams into a site for excavating and disposing of rock material.
- The mine's current Air Permit would allow them to resume mining. Their NPDES (National Pollutant Discharge Elimination System) is expired, but the EGLE says they are covered under their prior NPDES permit since the company applied for a new permit in a timely manner and the application is backlogged by EGLE.



Eagle Mine Updates:

- Eagle Mine, just east of Keweenaw Bay Indian Community in 1842 territory, formally notified the MDEQ (now EGLE) of a toxic discharge on June 15, 2018 at the Humboldt Mill processing facility. On November 21, 2018 Eagle Mine again notified MDEQ (now EGLE) of a "chronic toxicity exceedance". On March 14th, 2019 Eagle Mine reported a sulfuric acid discharge due to a forklift puncturing a tote to MDEQ (now EGLE).



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Lynne Mine Updates:

- Lac du Flambeau has reached out to Oneida County Board to discuss their mining ordinance.
- GLIFWC will begin collecting baseline water sample this summer.

Metallic mining in Wisconsin

Gogebic Deposit

Iron ore, magnetite
Status: License issued spring of 2011.

Bend Deposit

Copper, gold
Status: Considered for exploration in fall or winter.

Lynne Deposit

Zinc, lead, silver

Status: Two mining companies considering exploration.

Crandon Deposit

Zinc, copper, lead, gold, silver

Status: Site purchased by Chippewa and Potawatomi Tribes in 2003; all activity terminated.

Reef Deposit

Gold

Status: License issued spring 2011.



Aquila Resources Exploration Updates:

SOURCE: Wisconsin Department of Natural Resources

State Journal

- Aquila Resources, the company that owns the proposed Back 40 Mine, has begun exploratory aerial surveys in Lincoln, Price and Taylor Counties.
- Aquila Resources recently began doing exploratory boring in Taylor County.

Cumberland CAFO Updates:

- A preliminary CAFO WPDES permit application has been submitted to Wisconsin DNR for a project in Burnett County.
- A company has submitted preliminary applications for a pig farm in 1837 treaty territory near Grantsburg, Wisconsin. There is no public comment period at this time.

Michigan Mine Legislation:

- HB 627 to form the Michigan's Mining Future Advisory Committee passed the State House of Representatives.
- The Advisory Committee would have 15 members including governor appointed mining representatives, local government, environmental non-profits, tribes, United Steelworker's Union, MI DNR, MEGLE (formerly MDEQ) and Michigan Economic Development Corporation.

Wisconsin Mine Legislation:

- A committee has formed to develop regulation for non-ferrous mining after Wisconsin removed their "Show Us a Save Mine" criteria.
- GLIFWC was invited to be on the committee and asked the Voigt Task Force how tribes wanted GLIFWC to proceed.



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Want to get involved and protect the Nibi?

Upcoming Educational Events:

- **Stay Tuned for Updates!** We are working with Ogichidaag and Ogichidaagkwe fighting Enbridge's Line 3 to come to the community and share their stories of resistance!

Opportunities to Comment to the Federal or State Agencies:

- The U.S. Forest Service is **still** accepting public comments regarding Chequamegon-Nicolet National Forest's expired Line 5 Special Use Permit, for details go to: <https://www.fs.usda.gov/project/?project=44889>
- Submit Comments to EGLE (Michigan Department of Environment, Great Lakes and Energy) regarding the Back 40 Mine's permits! Comments for the Amended Mining Permit application and Permit To Install application will be accepted until July 23rd. Comments for the Dam Safety Permit will be excepted until July 5th. For more information on these permits go to: https://www.michigan.gov/egle/0,9429,7-135-3311_18442-359902--,00.html

Want to join the Frontlines?

- Contact the Ginew Collective to get involved in the Line 3 movement at ginew@protonmail.com or www.facebook.com/ginewcollective/

For more information about any these projects, please contact our
Environmental Justice Specialist at noah.saperstein@redcliff-nsn.gov
or (715) 779 3650 ext. 4315