

Eagle East Amendment Request – MP 01 2007
Proposed Decision
August 17, 2017

Proposed Decision

The Michigan Department of Environmental Quality (DEQ) is issuing a proposed decision to grant a request submitted by Eagle Mine LLC (Eagle) to amend mining permit MP 01 2007 to complete the decline needed to access and to mine the Eagle East mineral resource located in Michigamme Township, Marquette County, Michigan. This proposed decision is issued under the provisions of Part 632, Nonferrous Metallic Mineral Mining, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).

The DEQ has conducted a detailed and comprehensive review of the Eagle East Amendment Request and supplemental information submitted by Eagle, reviewed the current mining permit conditions and Environmental Impact Assessment as they relate to the request, and reviewed and considered public comments that DEQ has received thus far. Based on the information available, the DEQ has determined that the application meets the requirements for approval under Part 632, and that the terms and conditions set forth in mining permit MP 01 2007 are valid and applicable to the development of Eagle East, with the following provisions:

1. Cost estimates for reclamation activities associated with mining Eagle East shall be included in the updated financial assurance calculation scheduled for 2018.
2. Upon final approval of the amendment request, the reference to “ore body” in mining permit MP 01 2007 shall include both Eagle and the Eagle East mineral resource.

This is a preliminary decision. The DEQ will hold a public hearing to accept public comment on the proposed decision. A 28-day public comment period will follow the hearing, during which the DEQ will accept written comments on the proposed decision to grant the request. Part 632 requires the DEQ to then issue a final decision on the request within 28 days following the close of the written public comment period. However, the final decision date may be extended if the DEQ requires additional information from Eagle based on questions raised by public comment.

Application Review Process

On March 22, 2017, the DEQ received a request from Eagle to amend their Part 632 Mining Permit to include the mining of the Eagle East mineral resource, located approximately 1.2 miles to the east of Eagle Mine, commencing at a

depth of 3,117 feet beneath the surface. After an initial review of the request, the DEQ informed Eagle on April 21, 2017 that the review process of the Eagle East Amendment Request will proceed as a significant amendment, which follows the same process as a new Part 632 permit. The application was determined administratively complete on May 5, 2015.

A public information meeting was held on June 8, 2017, followed by a 28-day written public comment period. The Eagle East Application Amendment documents were made available on the DEQ website as well as sent to interested parties upon request. A request from the public prompted the DEQ to also post the Eagle mining permit and associated documents. Upon a request made during the public comment period, the DEQ agreed to extend the written comment period by 14 days to July 20, 2017.

After reviewing the public comments received, the DEQ sent a request for additional information and clarification to supplement the application and complete the review. The response to this request submitted by Eagle on August 15, 2017 was deemed by DEQ staff to be sufficient to complete the review and to recommend granting the amendment request. In addition to the written response, Eagle provided an opportunity for DEQ staff to examine core associated with Eagle East development.

Based on the relevant reports, documents, and comments received thus far for the request to amend MP 02 2007 to include the development of the Eagle East mineral resource, the DEQ has determined that the Eagle East Amendment Request meets the requirements of Part 632. Section 63205(11) of Part 632 directs the DEQ to issue a mining permit if the DEQ determines the permit application meets the requirements of the law and the proposed mining operation will not pollute, impair, or destroy the air, water, or other natural resources or the public trust in those resources, in accordance with Part 17, Michigan Environmental Protection Act, of the NREPA.