

KEWEENAW BAY INDIAN COMMUNITY

2024 TRIBAL COUNCIL

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VIA ELECTRONIC MAIL ONLY

December 6, 2024

RE: SOAR Funding for Highland Copper's Copperwood project

Boozhoo Chair Anthony, Vice Chair Bumstead, Vice Chair McCann, and Committee:

On behalf of the Keweenaw Bay Indian Community Lake Superior Band of Chippewa Indians, a Tribal Nation with more than 3,600 members, **I submit these comments to the Michigan Senate Appropriations Committee asking you to drop consideration for Strategic Outreach and Attraction Reserve (SOAR) funding for Highland Copper's Copperwood project.** The Keweenaw Bay Indian Community (KBIC) is a federally recognized Tribal Nation on the southern shore of Ojibwe Gichigami (Lake Superior) in the present-day Upper Peninsula of Michigan. Our landscape is an interconnected network of rivers, streams, lakes, and wetlands. As such, Nibi (water) is integral to the lives and livelihoods of our Community and we embrace our role as stewards so that we may maintain, protect, and restore healthy relationships within the Ojibwe Gichigami ecosystem. Through the 1842 Treaty of La Pointe our Community retained our inherent rights to hunt, fish, trap, and gather on and over the lands and waters that were ceded to the United States. Consistent with Michigan's obligation to protect natural resources from impairment, those Treaty rights must be preserved through vigilant environmental stewardship.

In the short time that Highland Copper has operated in the Western Upper Peninsula, it has twice disregarded the requirement to obtain a permit. In 2017, Highland Copper improperly conducted test drilling; these unauthorized activities resulted in uncontrolled erosion and sedimentation and damaged wetlands and stream channels. According to EGLE's Water Resources Division, "...a permit would not have been approved for this project in the manner in which it was undertaken."¹ This year, Highland Copper dug two temporary channels from the newly reconstructed stream channel, even though the Part 301 permit expired on October 16, 2023². Even if the permit been active it still did not authorize construction of the two temporary channels. Michigan should not use its SOAR funding to subsidize Highland Copper's irresponsible mining operations.

¹ May 5, 2017 Daily Mining Gazette article – "Slop Sanction: state charges highland with uncontrolled erosion, unpermitted actions at drilling sites" – see attached

² November 8, 2024 compliance communication – Kayla Conklin, EGLE WRD to Andrea Martin, Highland Copper – see attached

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Even more, Highland Copper misrepresented their performance history during an October 23, 2024 presentation to Tribal Council. In response to a question about their performance history, Highland Copper assured Council, “we’re happy to tell you that we’ve maintained compliance.”³ While the statement is technically correct – the Company has, thus far, maintained compliance with their wetland permit – the failure to disclose unpermitted activities calls into question the ability for Highland Copper to maintain the public’s trust.

Contaminated landscapes persist in our region because of abdicated environmental responsibilities from past mining activities and Highland Copper’s modern-day unpermitted activities continue that harmful legacy. Torch Lake, Buffalo Reef, and Sand Point remind us of the terrible consequences that result from mining mismanagement including shorelines covered in stamp sands that suffocate spawning reefs and collapsed and contaminated aquatic ecosystems that erode our ability to exercise our treaty rights. Our Natural Resources Department is currently working on remediation and restoration projects at Torch Lake⁴, Buffalo Reef⁵, and Sand Point,⁶ and Michigan should not use SOAR funds to support a mining company whose past performance makes it foreseeable that its operations will add more remediation projects to the list.

Sincerely,



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CC:
Brigitte LaPointe-Dunham, KBIC CEO
Evelyn Ravindran, KBIC Natural Resources Director
Emily Shaw, KBIC Great Lakes Resource Specialist
Dione Price, KBIC Environmental Health Manager
Kevin Carlisle, KBIC Tribal Attorney

³ October 23, 2024 KBIC Tribal Council meeting – <https://www.ojibwa.com/>. Highland Copper’s presentation begins at 53:54.

⁴ Torch Lake Public Action Council - <https://torchlakepac.wordpress.com/>

⁵ Saving Buffalo Reef - <https://www.michigan.gov/dnr/managing-resources/fisheries/units/buffalo-reef>

⁶ Sand Point - <https://nrd.kbic-nsn.gov/sand-point>