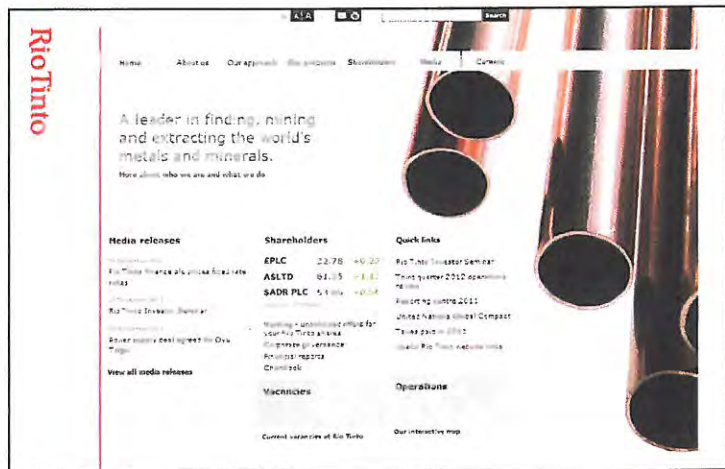


**Attachments to NRCM Letter to DEP Commissioner Aho  
Concerning DEP Contract to North Jackson Company**

1. Mining industry clients of North Jackson Company
2. Kennecott Eagle Minerals Company permit application, listing North Jackson Company (Daniel Wiitala) as part of contributors who helped write the application.
3. Participant List for Michigan's Part 632 Rules Work Group showing that North Jackson Company was not part of this process.
4. E-mail from Hal Fitch, Michigan DEQ Chief, Geology and Land Management Division, to the Part 632 Work Group, providing background materials and explaining meeting process including details about the open process used in Michigan.
5. Excerpts from transcript of June 11, 2008, Michigan hearing in which Dan Wiitala of North Jackson Company appeared as industry witness for Kennecott Eagle Minerals Company.
6. E-mail from DEP Mining Contract RFP Coordinator, George MacDonald, confirming that DEP acceptance letter to North Jackson Company was dated October 11, 2012 – more than five weeks before DEP publicly announced the award.
7. DEP's November 19, 2012, news release announcing selection of North Jackson Company.

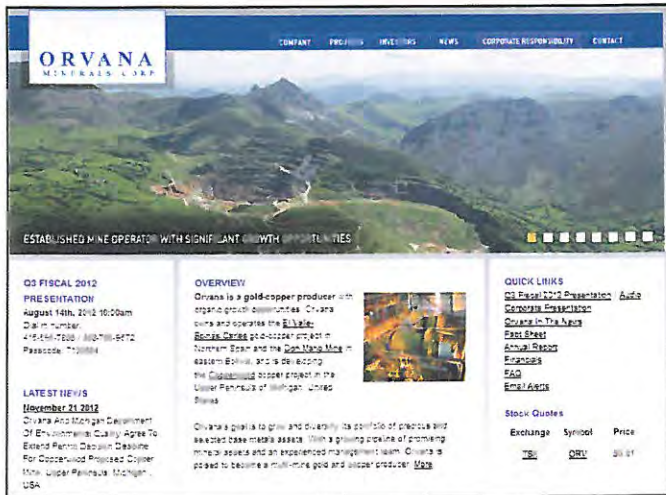
# Mining Industry Clients of North Jackson Company

North Jackson Company proposal to DEP says: "We have served multi-national mining companies from the start, including permitting new and expanded operations and addressing legacy environmental impacts." Among its clients, North Jackson has worked for Rio Tinto, Cliffs Natural Resources, Kennecott Exploration Canada, Kennecott Eagle Minerals Company, the Empire Iron Mine, Tilden Iron Mine, and Orvana Resources.



Rio Tinto: The fourth-largest publicly listed mining company in the world with a market capitalization of approximately \$134 billion. Fortune 500 ranking of largest worldwide companies by revenue at number 263. In 2007, the company was valued at \$147 billion. ([Wikipedia](http://www.riotinto.com/); <http://www.riotinto.com/>)

Cliffs Mining Services: Cliffs is listed on Fortune 500 list of America's largest companies by revenue (#477) with annual revenues of \$4.7 billion for 2010. <http://www.cliffsnaturalresources.com/EN/Pages/default.aspx>

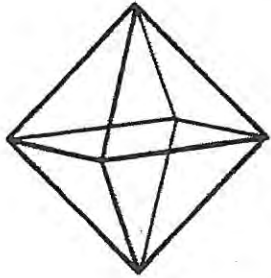


Orvana Resources: Gold and copper mining company with projects in Spain, Bolivia, and Michigan. <http://www.orvana.com/>

Tilden/Empire Iron Mine: Operated by Cliffs Mining Services, Marquette County, Michigan

**Application**

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**Kennecott**  
**Eagle Minerals**

**Eagle Project**  
**Mining Permit Application**  
**Volume I**

**Project I.D.: 04W018**

**Kennecott Eagle Minerals Company**  
**Marquette, Michigan**

**February 2006**

**Jonathan C. Cherry, P.E.**  
Manager Environment and Governmental Affairs  
Kennecott Eagle Minerals Company  
1004 Harbor Hill Drive  
Suite 103  
Marquette, Michigan 49855  
Phone: 906-225-5791  
Email: Cherry@Kennecott.com



# Kennecott Eagle Minerals

February 20, 2006

Mr. Hal Fitch  
State Geologist  
Michigan Department of Environmental Quality  
525 West Allegan St  
Lansing, MI 48909

Mr. Joe Maki  
District Geologist  
Michigan Department of Environmental Quality  
420 5<sup>th</sup> St  
Gwinn, MI 49841

Dear Mr. Fitch & Mr. Maki,

Re: Eagle Project – Mining Permit Application

This *Mining Permit Application* and associated *Environmental Impact Assessment* provides to the Michigan Department of Environmental Quality (MDEQ) information to evaluate the Kennecott Eagle Minerals Company (KEMC) proposed nickel and copper Mine Project (hereafter referred to as the Eagle Project) for approval of a *Michigan Nonferrous Metallic Mineral Mining Permit*. This document was prepared in accordance with Michigan's Nonferrous Metallic Mineral Mining Rules and direct discussions with the MDEQ. Volume I and associated Appendices in Volume IA through Volume ID provide the following information:

- ◆ A mining plan.
- ◆ A reclamation plan.
- ◆ A monitoring and environmental protection plan including a treatment and containment plan.
- ◆ A contingency plan
- ◆ A permit application form.
- ◆ A description of the amount of financial assurance that will be provided for the project.
- ◆ A list of other applicable permits.
- ◆ An organization chart.

A check covering the permit fee will be provided under a separate cover as will an electronic copy of this application. Volume II contains the *Environmental Impact Assessment* (EIA) for the Eagle Project. Supporting Appendices for the EIA are provided in Volume IIA through Volume IIH. A checklist for submitting an administratively complete *Mining Permit Application* appears in Appendix A in Volume IA. That checklist contains document references addressing each listed item.

Tentative construction schedules developed during feasibility studies estimate general project construction to begin in early 2007 with ore production commencing in early 2009. KEMC is a subsidiary of Kennecott Minerals Company headquartered in Salt Lake City. Kennecott Minerals Company develops, manages, operates, and participates in base metal and precious metals mining operations in North America.

Thank you for your assistance in review of this document. If you need additional information or have questions, please contact me at (906) 225-5791.

Sincerely,

Kennecott Eagle Minerals Company

A handwritten signature in black ink, appearing to read 'Jonathan C. Cherry', is written over the company name.

Jonathan C. Cherry, P.E.  
Manager Environment & Governmental Affairs

cc: Steve Powers, Marquette County, w/o encl  
John Olson, Michiganme Township, w/o encl

# 1 Introduction

Kennecott Eagle Minerals Company (KEMC) is proposing to develop an underground nickel and copper mine in Michigamme Township, Marquette County, Michigan. As part of the permitting process for the project, KEMC needs to apply for a Mining Permit in accordance with Part 632 of the Michigan Natural Resources and Environmental Protection Act (NREPA) (MCL §324.63201 et. seq.) and rules promulgated under R 425.101 et. seq. of the Michigan Administrative Code. This volume (Volume I) of the *Mining Permit Application* (MPA) and associated appendices contains required permit application forms; the mining, reclamation, environmental protection, and contingency; plans and financial assurance information as required in Part 632 and R 425.201(1)(a)(b)(d-h). Volume IA contains Appendices A through C that are referenced in this document. Volume IB contains Appendix D-1. Volume IC contains Appendices D-2 through D-5. Volume ID contains Appendices E through J. The *Environmental Impact Assessment* (EIA) required under Part 632 and R 425.201(1)(c) is contained in Volume II of this *Mining Permit Application*. Appendices for the EIA are contained in Volume IIA through Volume IIIH.

This MPA is based on engineering and other environmental studies as they relate to the design, construction, operation, closure, reclamation, and post-closure care of the Eagle Project facilities. The material presented in this application is representative of the type and size of facilities to be constructed and operated.

## 1.1 Background

The Eagle deposit is a high-grade magmatic sulfide deposit containing nickel and copper mineralization and minor amounts of cobalt, and gold. The Eagle deposit was discovered in 2002 by drilling areas known to contain sulfide-bearing peridotite intrusions. The economic minerals are predominately pentlandite and chalcopyrite. KEMC is proposing to mine the Eagle deposit by underground mining methods. Extracted ore will be brought to the surface where it will be crushed and trucked off-site along an approved trucking route to a railhead. The ore will be transferred to rail cars for shipment to an off-site processor. There will be no milling or chemical processing of ore at the Eagle Project site. As such, surface facilities for the operation will be limited to those necessary for storing and crushing ore; managing development rock; water storage, treatment and discharge; mine backfilling; mine ventilation; and, other ancillary operations.

## 1.2 Mining Permit Application Documents

This MPA is being submitted by KEMC to request a permit to mine at the Eagle Project site in Michigamme Township, Marquette County, Michigan. This volume (Volume I and associated Appendices in Volume IA through Volume ID) of the MPA includes the following items required under Part 632 and R 425.201(1)(a)(d-h):

- ♦ A permit application form for the Michigan Department of Environmental Quality (MDEQ) (Appendix A) along with a checklist to facilitate MDEQ review;
- ♦ A Michigan Department of Natural Resources (MDNR) Land Use Application Form for leasing State Land that will be used for project surface facilities (Appendix A);

- ◆ A permit application fee provided under separate cover by KEMC;
- ◆ A mining plan, containment plan, monitoring plan, reclamation plan and environmental protection plan (Sections 4, 5, 6 and 7);
- ◆ A contingency plan (Section 8);
- ◆ A description of the amount of financial assurance that will be provided to satisfy the requirements of R 425.301 (Section 9);
- ◆ A listing of other applicable permits and licenses that are being applied for concurrently with this MPA (Section 1.3);
- ◆ KEMC's Organization Report (Appendix B); and
- ◆ An EIA (Volume II of this application).

This MPA includes the requirements of Part 632 of NREPA and *Nonferrous Metallic Mineral Mining* rules specified in R 425.101 et. seq. of the Michigan Administrative Code. This application is supported by tables and illustrations inserted within the narrative report and figures and appendices that follow the narrative report. The appendices contain technical reports, calculations and other data that support the designs presented in this application.

### **1.3 Other Permits**

KEMC is concurrently applying for other permits required for operation of the Eagle Project. The anticipated permit applications are contained under separate cover in the format required by the respective regulatory agencies. These permit applications and related regulatory documents are as follows:

- ◆ A *Michigan Air Use Permit – Permit to Install Application* (Foth & Van Dyke, 2005a) submitted to the MDEQ for air emissions related to the proposed mine operation.
- ◆ A *Groundwater Discharge Permit Application* (Foth & Van Dyke, 2006) submitted to the MDEQ for the treatment and discharge to the subsurface of treated water from the Eagle Project.
- ◆ *Notice of Coverage* for storm water management during construction activities and a *Notice of Intent* for storm water management during operations will be submitted to the MDEQ for the potential release of non-contact storm water runoff.
- ◆ A *Type II Non-Transient Non-Community Water Supply Permit Application* will be submitted to the Marquette County Health Department for water consumption and use by site workers.
- ◆ A *Commercial Septic System Permit Application* will be submitted to the Marquette County Health Department for the treatment and discharge of sanitary wastewater generated by site workers.

- ◆ A *Mineral Extraction Permit Application* (Foth & Van Dyke, 2005b) submitted to Michigamme Township.
- ◆ Documentation will be submitted to the MDEQ, prior to construction, for certification of planned aboveground storage tanks for diesel fuel, gasoline and propane.
- ◆ A *Spill Prevention Control and Countermeasures Plan* (SPCC Plan) will be prepared per 40 CFR 112.
- ◆ A *Pollution Incident Prevention Plan* (PIPP) will be prepared per R 324.2001 et. seq.

During operations KEMC will also file annual reports in compliance with the Federal Emergency Planning and Community Right to Know Act (EPCRA).

As a result of the MDEQ's review of the EIA, it is possible that other environmental permits may be identified for the Eagle Project. If other permit requirements are identified, KEMC will submit the applications as soon as possible. KEMC will begin construction of the Eagle Project after acquiring all environmental permits needed for the Eagle Project.

#### 1.4 Document Preparers and Qualifications

This *Mining Permit Application* was prepared by Foth & Van Dyke and Associates, Inc. under contract to KEMC. This document incorporates information prepared by other qualified professionals working under contract to Kennecott and/or Foth & Van Dyke. The following is a summary of the organizations and individuals who have contributed to the preparation of this *Mining Permit Application*.

**Table 1-1  
Document Preparation – List of Contributors**

Organization	Individuals	Qualifications
BHE Environmental, Inc. 11733 Chesterdale Rd Cincinnati, OH 45246	Christopher Bergman, Ph.D, RPA	Archaeologist
ECT, Inc. 501 Avis Dr Ste 5C Ann Arbor, MI 48108	Donald Tilton, Ph.D., PWS John Freeland, Ph.D., PWS	Wetland Scientist Wetland Scientist
Fletcher Driscoll & Associates, LLC 1560 221 <sup>st</sup> Ave. NW Oak Grove, MN 55011	Tom Davis, P.G.	Professional Geologist

**Table 1-1 Continued)**

Organization	Individuals	Qualifications
Foth & Van Dyke 2737 S Ridge Rd PO Box 19012 Green Bay, WI 54304	Stephen V. Donohue, P.H. <sup>(1)</sup> John Starke, P.E. <sup>(1)</sup> Steven Dischler, P.E. Ronald Meister, P.G. <sup>(1)</sup> Janis S. Kesey, P.G. John Fassbender, P.E. Andrea Martin, P.E. Curtis Dungey, CHMM Gerald Eykholt, Ph.D., P.E. Michael Liebman, P.E.	Professional Hydrologist Professional Engineer Professional Engineer Professional Geologist Professional Geologist Professional Engineer Professional Engineer Air Quality/Meteorology Professional Engineer Professional Engineer
Golder Associates, Inc. 44 Union Blvd Ste 300 Lakewood, CO 80228	Scott H. Miller, P.G David Regalbutto, P.G. David Bare John Wozniewicz Kevin Beauchamp, P.E.	Professional Geologist Professional Geologist Air Quality/Meteorology Hydrogeologist Professional Engineer
Kennecott Eagle Minerals Company 1004 Harbor Hills Dr Ste 103 Marquette, MI 49855	Jonathan Cherry, P.E. <sup>(1)</sup> Andrew Ware Alicia Duex	Professional Engineer Exploration Geologist Environmental Scientist
Kennecott Exploration #354-200 Granville St Vancouver, B.C. V6C 1S4	D. Rossell S. Coombes	Exploration Geologist Exploration Geologist
Kennecott Minerals Company 224 North 2200 West Salt Lake City, UT 84116	Fred Fox <sup>(1)</sup>	Director Health, Safety, Environment and Reclamation
King & MacGregor Environmental Inc. 2520 Woodmeadow Dr SE Grand Rapids, MI 49546	Doug Workman, Ph.D.	Aquatic Scientist
McIntosh Engineering, Inc. 1438 W Broadway Rd Ste 101 Tempe, AZ 85282	Sandy Watson	Mining Engineer
North Jackson Company 1004 Harbor Hills Dr PO Box 218 Marquette, MI 48909	Daniel Wiitala, P.G.	Professional Geologist



PART 632 RULES WORK GROUP

3

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Rep. Rich Brown	12/3	Todd Gauthier and Kim Whitely	Tgauthier@house.mi.gov 373-0850 kwhitel@house.mi.gov
Joe Maki, DEQ Upper Peninsula District Office	10/25	Joe Maki	makiir@michigan.gov 906-346-8563
Susan Maul, OGS Hearings Officer, DEQ	10/25	Sue Maul	mauls@michigan.gov 517-241-1552
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Rich Bowman, Michigan Council of Trout Unlimited	10/25	Rich Bowman	mctued@prodigy.net 616-460-0477
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Michael Johnston, Michigan Manufacturers Association	10/26	Mike Johnston	Johnston@mma-net.org 517-487-8554
John Olson, Michigamme Township Supervisor	10/26	John Olson	mitown@up.net Home: 906-323-6547 Twp Office: 906-323-6608 Fax: 906-323-6344
Front 40 Environmental Group N8650 #21.75 Road Stephenson, MI 49887	10/26	Charlene Peterson	hunter-peterson@alphacomm.net 906-753-6966
Donna Stine Michigan United Conservation Clubs	1/10/2005	Donna Stine	destine@mucc.org

<p><b>Part 632 Work Group – Page 2</b></p>	<p>Robert Desjarlais Lake Township</p>	<p>10/27</p>	<p>Bob Desjarlais Alternate: Jeff Pecotte</p>	<p><a href="mailto:Desjarlais52@hotmail.com">Desjarlais52@hotmail.com</a> 906-753-4387 <a href="mailto:reach@cybrzn.com">reach@cybrzn.com</a> 906-864-0285</p>
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<p>Philip H. Power, MEDC</p>	<p>11/3</p>	<p>Philip Power</p>	<p><a href="mailto:Zen2525@yahoo.com">Zen2525@yahoo.com</a> 906-753-6354</p>	<p><a href="mailto:editor@mine-or-ours.info">editor@mine-or-ours.info</a> 906-753-2847 <a href="mailto:vbevpowelltp@yahoo.com">vbevpowelltp@yahoo.com</a></p>
<p>Sierra Club</p>	<p>11/5</p>	<p>Marvin Roberson</p>	<p>Tom Boerner</p>	<p><a href="mailto:flintsteel@skynet.net">flintsteel@skynet.net</a> 906-932-5554</p>
<p>Cleveland Cliffs, Inc.</p>	<p>11/8</p>	<p>John Meier</p>	<p>Dale Andersen</p>	<p><a href="mailto:Jcolema1@wisc.edu">Jcolema1@wisc.edu</a> 608-263-2873</p>
<p>Michigan Townships Association</p>	<p>11/2</p>	<p>Tom Frazier</p>	<p>Vince Bevins</p>	<p><a href="mailto:JGales@legislature.mi.gov">JGales@legislature.mi.gov</a> 517-373-5200</p>
<p>Michigan Association of Counties</p>	<p>11/15</p>	<p>Brian Neumeier, Menominee Co. Alternate: Tom Hickson</p>	<p>Dave Anderson</p>	<p></p>
<p>Thomas Boerner N9710 River Rd. Daggett, MI 49821</p>	<p>11/17</p>	<p>Tom Boerner</p>	<p></p>	<p></p>
<p>Dale Andersen</p>	<p>11/18</p>	<p>Dale Andersen</p>	<p></p>	<p></p>
<p>Vince Bevins, Powell Township</p>	<p>1/10/2005</p>	<p>Vince Bevins</p>	<p></p>	<p></p>
<p><b>TO BE COPIED ON INFORMATION</b></p>	<p></p>	<p></p>	<p></p>	<p></p>
<p>Dave Anderson Flintsteel Restoration EG298 US Hwy 2 Bessemer, MI 49911</p>	<p>12/16</p>	<p>Dave Anderson</p>	<p></p>	<p></p>
<p>John Coleman Great Lakes Indian Fish &amp; Wildlife Commission</p>	<p>12/21</p>	<p>John Coleman</p>	<p></p>	<p></p>
<p>Julie Gales</p>	<p>1/5/2005</p>	<p>Julie Gales, LSB</p>	<p></p>	<p></p>

**Part 632 Work Group – Page 3**

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Keweenaw Bay Indian Community			
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[e-mail sent to Participants of Michigan's Metallic Mining Work Group]

Sent: Tuesday, April 27, 2004 2:33 PM

To: [mgokey@chartermi.net](mailto:mgokey@chartermi.net); [dwbyrne@cleveland-cliffs.com](mailto:dwbyrne@cleveland-cliffs.com); [ezmanos@detroitssalt.com](mailto:ezmanos@detroitssalt.com); [marykins@dreamscp.com](mailto:marykins@dreamscp.com); [al.trippel@erm.com](mailto:al.trippel@erm.com); [ppower@homecomm.net](mailto:ppower@homecomm.net); [Cherryj@Kennecott.com](mailto:Cherryj@Kennecott.com); [rsmith@mhsa.com](mailto:rsmith@mhsa.com); [carl-lindquist@mi.nacdnet.org](mailto:carl-lindquist@mi.nacdnet.org); Emilee VanKampen; Frank Egeler; Mark Polsdofer; Olga Savic; Troy Hagon; [editor@mine-or-ours.info](mailto:editor@mine-or-ours.info); [Johnston@mma-net.org](mailto:Johnston@mma-net.org); [tjb@mtu.edu](mailto:tjb@mtu.edu); [dstine@mucc.org](mailto:dstine@mucc.org); [cpyd@myvine.com](mailto:cpyd@myvine.com); [mctued@prodigy.net](mailto:mctued@prodigy.net); [ldubreuil@senate.michigan.gov](mailto:ldubreuil@senate.michigan.gov); [mkurta@senate.michigan.gov](mailto:mkurta@senate.michigan.gov); [anne.woiwode@sierraclub.org](mailto:anne.woiwode@sierraclub.org); [cdepetro@up.net](mailto:cdepetro@up.net); [mrsladew@up.net](mailto:mrsladew@up.net); [jpecotte@UPstuff.com](mailto:jpecotte@UPstuff.com); [bradmec@voyager.net](mailto:bradmec@voyager.net)

Cc: [bo'mara@arcadis-us.com](mailto:bo'mara@arcadis-us.com); [tawny@ecocenter.org](mailto:tawny@ecocenter.org); Dana Debel; Harold Fitch; Julie Gales; Matt Johnson; Arminda Koch; Carol Linteau; Joe Maki; morman peter; Stanley Pruss; Linda Sandborn; Patricia Spitzley; Yolanda Taylor; [Firstenberg@nwf.org](mailto:Firstenberg@nwf.org)

Subject: Metallic Mining Work Group Info

Work Group Members and Observers:

I am forwarding information on laws, rules, and other requirements that apply to mining operations in Michigan, for your review in connection with the Metallic Mining Work Group meeting on May 3. The laws are organized as "Parts" of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994 (NREPA). The administrative rules have been promulgated by the DEQ to implement the respective Parts.

Attached are the following documents:

1. A table of environmental, safety, and health laws and requirements that apply to mining operations.
2. Part 631, Reclamation of Mining Lands, of the NREPA.
3. The administrative rules under Part 631.
4. Excerpts from Part 31, Water Resources Protection, of the NREPA, and administrative rules.
5. Excerpts from Part 111, Hazardous Waste Management, of the NREPA, and administrative rules.
6. Excerpts from Part 115, Solid Waste Management, of the NREPA, and administrative rules.

The Parts of NREPA and the rules can be accessed in their entirety from the DEQ Environmental Laws and Rules Web page, at <http://www.deq.state.mi.us/lawsandrules/>. Enter the following in the drop-down boxes:

Part 631: Lead Agency = "Geological and Land Management Division," Environmental Theme = "Land". You may then scroll down to either the statute (Part 631 of Act 451) or rules (Part 631 Mine Reclamation Rules).

Part 31: Lead Agency = "Water Division," Environmental Theme = "Water"

Parts 111 and 115: Lead Agency = "Waste and Hazardous Materials Division," Environmental Theme = "Waste"

I continue to hear from many persons and organizations who want to participate in the Work Group. However, in order to stay focused and productive, we need to maintain a reasonable number of participants.

Discussions at the meetings will be limited to the designated Work Group members. At the same time, we want to be sure we hear from all perspectives. Therefore, we will schedule approximately 30 minutes (depending on the degree of interest) at the end of the meeting for other interested parties to present their views and suggestions to the Work Group. I look forward to seeing you in St. Ignace.



Hal Fitch  
Chief, Geological and Land Management Division  
Michigan Department of Environmental Quality  
Constitution Hall, 525 W. Allegan St.  
P.O. Box 30256  
Lansing, MI 48909-7756 Phone: 517-241-1548

STATE OF MICHIGAN

STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

<p>3 In the matter of:</p> <p>4 The Petitions of the Keweenaw</p> <p>5 Bay Indian Community, Huron</p> <p>6 Mountain Club, National</p> <p>7 Wildlife Federation, and</p> <p>8 Yellow Dog Watershed</p> <p>9 Environmental Preserve, Inc.,</p> <p>10 on permits issued to Kennecott</p> <p>11 Eagle Minerals Company.</p> <p>12 _____/</p>	<p>File Nos.: GW1810162 and MP 01 2007</p> <p>Part: 31, Groundwater Discharge 632, Nonferrous Metallic Mineral Mining</p> <p>Agency: Department of Environmental Quality</p> <p>Case Type: Water Bureau and Office of Geological Survey</p>
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D R A F T T R A N S C R I P T

HEARING - VOLUME NO. XXV (25)

BEFORE RICHARD A. PATTERSON, ADMINISTRATIVE LAW JUDGE

Constitution Hall, 525 West Allegan, Lansing, Michigan

Wednesday, June 11, 2008, 8:30 a.m.

APPEARANCES:

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GREGORY W. COUNSEL

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 15 Full exhibit list for today will be included in the final  
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Lansing, Michigan  
Wednesday, June 11, 2008 - 8:32 a.m.

JUDGE PATTERSON: Are we ready?

MR. LEWIS: Yes, sir. Good morning. Intervenor  
Kennecott Eagle Minerals Company calls Dan Wiitala.

REPORTER: Do you solemnly swear or affirm that  
the testimony you're about to give will be the whole truth?

MR. WIITALA: I do.

DANIEL W. WIITALA

having been called by the Intervenor and sworn:

DIRECT EXAMINATION

BY MR. LEWIS:

Q Would you state your full name and spell it for the record,  
please?

A Dan Wiitala, D-a-n, the last name is W-i-i-t-a-l-a.

Q Mr. Wiitala, you're a hydrogeologist?

A Yes.

Q And you've worked on the Kennecott Eagle mining project?

A Yes, I have.

Q And correct me if I'm wrong, but I think your primary role  
has been to collect background groundwater data and  
characterize the groundwater system around the mine?

A I would broaden that a bit; background hydrological data,  
including groundwater and surface water.

Q Okay. And you've prepared a number of reports that were

1            submitted as part of the mine permit application process?

2        A     Yes.

3        Q     You are with -- what's the name of the company you're with

4            now?

5        A     North Jackson Company.

6        Q     And how long have you been with that company?

7        A     Since 1998.

8        Q     And where is that? Where is your main office located?

9        A     Our office is in Marquette, Michigan.

10       Q     And is that where you live?

11       A     That's where I live as well.

12       Q     Would you tell us about your educational background?

13       A     Yes. I have a bachelor's degree in geological sciences from

14            the University of Michigan 1986, and a master's degree in

15            geosciences from the University of Wisconsin, Milwaukee,

16            completed in 1989.

17       Q     And are you a professional geologist?

18       A     Yes, I am. I'm licensed in the states of Minnesota and

19            Wisconsin.

20       Q     And do you have some professional certifications?

21       A     Yes, I do. I also have a certified professional geologist

22            designation from the American Institute of Professional

23            Geologists, and I'm also a certified underground storage

24            tank professional in the State of Michigan.

25       Q     And since your schooling, could you take us through a brief

1 review of professional career --

2 A Yes.

3 Q -- as a hydrogeologist?

4 A Immediately upon completion of my master's degree, I entered  
5 the field of geological consulting with a large engineering  
6 firm in Minneapolis, where I worked on various groundwater  
7 and surface water hydrological projects for private and  
8 governmental clients. In that course of work, I performed  
9 numerous field investigations, studies of aquifer systems,  
10 stream systems, groundwater-surface water interaction, some  
11 geophysical studies. And I completed that -- I left that  
12 job in 1998 when I founded North Jackson Company in  
13 Marquette. And since that time I've continued continuously  
14 in that same profession as a consulting geologist.

15 MR. LEWIS: And, Your Honor, for the record, Mr.  
16 Wiitala's CV is marked as Intervenor Exhibit 321, which has  
17 been admitted previously by stipulation. Would you turn to  
18 slide two, please?

19 Q What we've put up on the screen here is I believe a list of  
20 the various reports you've prepared in connection with your  
21 work on the Kennecott project; is that right?

22 A That's correct.

23 Q We'll come back to this later. But are these the primary  
24 reports that you prepared, including the ones that were  
25 submitted with the mine permit application?

1 A That's correct.

2 Q And I think we're going to start with, Mr. Wiitala, some  
3 discussion about the process that you used to characterize  
4 the hydrologic system in this project area. And I believe  
5 that's what this slide describes?

6 A Yes; that's correct. On the right-hand side of the slide  
7 listed under a heading of Hydrological Studies, that's the  
8 work that was directly performed by North Jackson Company  
9 for the project. And there was concurrent ongoing studies  
10 being done by others, which is shown under the heading  
11 Engineering Studies. We started when this project was being  
12 run as an exploration program by Kennecott Exploration  
13 Company. They contacted us and their goal at that time was  
14 to start some initial stream flow data collection and stream  
15 quality data collection in the fall of 2002. So we started  
16 that process then. That was expanded a bit, again, under  
17 Kennecott Exploration through 2003; same type of data  
18 collection, a few more stations, a little broader area.

19 In 2004 the project was transferred to Kennecott  
20 Minerals Company and it became a feasibility -- a mining  
21 feasibility study, is my understanding, on their end. Along  
22 with that, there was a broader environmental baseline study  
23 desired by Kennecott as a result of that. We started then  
24 in winter of 2004 as performing what was called the state  
25 one environmental baseline study. And that included both

1 some initial collection of groundwater data as well as  
2 incorporating that in with surface water data that we had  
3 been collecting, and also an expansion of the surface water  
4 study portion. That stage one study went through mid way in  
5 2004 from a data collection standpoint. And through that  
6 a -- we had more data with which to develop conceptual model  
7 refinement, initial conceptual models being based on what  
8 existing published research was out there for the area. And  
9 the culmination of the stage one study then became a work  
10 plan for stage two.

11 Stage two baseline study then was kicked off mid  
12 way in 2004, went for approximately a year in addition. And  
13 that was the level of study was increased, then, to include  
14 field aquifer testing, measurement of groundwater levels, a  
15 large expansion of a regional groundwater monitoring network  
16 on the Yellow Dog Plains, expansion of the surface water  
17 hydrological monitoring as well throughout multiple  
18 watersheds near the project area. And there was a expanded  
19 baseline water quality monitoring both for streams and  
20 aquifers. And then there was along with that then a  
21 refinement of the groundwater-surface water interaction  
22 model.

23 That was concurrent -- that was going on  
24 concurrently with some initial mine designs. In addition to  
25 that, there was a bedrock hydrogeological study initiated.

1 It was conducted by Golder Associates. That was done in  
2 conjunction with their portion of work on mine design and  
3 tunnel rock mechanics. So there was also then mine inflow  
4 estimates and water balances, which were being done by other  
5 engineers, engineering companies involved, Foth & VanDyke  
6 and others. And at the end of that period, which was about  
7 May 2005, there were then subsequent hydrogeological studies  
8 initiated.

9 And in 2005, there was a hydrogeological work plan  
10 and study conducted specifically for the treated water  
11 infiltration system as part of the mine inflow treatment  
12 system and water balance design for the facility. So there  
13 was a specific study conducted on the site for that. That  
14 included in addition to the actual treated water  
15 infiltration area that was being considered at that time an  
16 expansion based on some preliminary surface facility design  
17 elements as well. So that was more of a site surface  
18 facility site specific type of study.

19 Those study results were then used in conjunction  
20 with -- in addition to collecting a continuation of  
21 collecting baseline data for both streams and groundwater on  
22 the site, those data were then being incorporated into  
23 studies by others who were doing preliminary impact  
24 assessments and modeling.

25 On the basis of some of that preliminary work,



1 then, based on the mine design and the preliminary impact  
2 assessments, there was then an additional hydrological study  
3 that we were directly charged with, and that was a wetland  
4 specific hydrology study that was focused largely on  
5 wetlands that occur over the orebody.

6 Those data were then iteratively put back into the  
7 overall EIA and the further refinements to predictive  
8 impacts, which then became part of the mine permit  
9 application, which was submitted in 2006. And beyond that  
10 time period of the submittal of the mine permit application,  
11 there has been still ongoing monitoring that we're charged  
12 with for continuing to monitor stream flows and the  
13 watersheds based on the stream stations that were  
14 established under the baseline study. In addition to, also  
15 still collecting groundwater information.

16 Through the course of that, the mine permit was  
17 issued with permit conditions. And since that came out in  
18 December of 2007, then we have initiated some additional  
19 permit conditions monitoring elements, including the  
20 installation of some additional monitoring wells on the  
21 site. So that brings us up to date with our work.

22 Q So the monitoring, roughly what year did that begin, Mr.  
23 Wiitala?

24 A 2002.

25 Q And it continues to this day, then?

1 expected in this region. We looked at this for a couple  
2 reasons. We wanted to see what sort of average conditions  
3 are over a broad significant time frame for precipitation,  
4 because obviously precipitation ultimately is the source of  
5 the water in the stream flows and the aquifer. And then  
6 superimposed on that we have precipitation from those same  
7 regional stations for the initial baseline study period. So  
8 the stage one, stage two baseline study period.

9 The relevance of this as far as our work was  
10 concerned was to get a sense of whether we were collecting  
11 data in a period which was at any extreme from a longer term  
12 average or whether it was close to what a longer term  
13 average was. And in this case those data supported that we  
14 were looking at data -- precipitation data that was pretty  
15 indicative of long-term average conditions.

16 JUDGE PATTERSON: Mr. Lewis, Marcy just advised me  
17 she needs to take a break.

18 MR. LEWIS: Okay.

19 (Off the record)

20 Q All right. I think the next section of the presentation,  
21 Mr. Wiitala, is a description of the North Jackson, or your  
22 company's study methods for the project. And could you  
23 please describe this section?

24 A Yes. This exhibit illustrates the watersheds and many of  
25 the stream data collection locations for stream flow and

6

**Pete Didisheim**

---

**From:** MacDonald, George <George.MacDonald@maine.gov>  
**Sent:** Tuesday, December 04, 2012 11:47 AM  
**To:** Pete Didisheim  
**Cc:** Carney, Peter J  
**Subject:** RE: Question

Pete –

The Department's letter to North Jackson Company, accepting their proposal, was dated October 11, 2012.

George

George M. MacDonald  
Maine Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017

Tel: (207) 287-2870  
Fax: (207) 287-2814

---

**From:** Pete Didisheim [<mailto:pdisheim@nrcm.org>]  
**Sent:** Tuesday, December 04, 2012 10:30 AM  
**To:** MacDonald, George  
**Cc:** Carney, Peter J  
**Subject:** Question

George –

I would like to know the date when the contract was awarded to the North Jackson Company.

Thanks for your response to this request.

Pete

**Pete Didisheim**  
Advocacy Director  
Natural Resources Council of Maine  
3 Wade Street Augusta, ME 04330  
(207) 430-0113 (direct)  
(207) 232-4768 (cell)

[www.nrcm.org](http://www.nrcm.org) - Protect the nature of Maine - join today!

# Maine Department of Environmental Protection Hires Michigan and Maine Firms To Help Modernize State Mining Regulations

November 19, 2012

**CONTACT:**

Samantha DePoy-Warren, Maine DEP Director of Communications, [samantha.depoy-warren@maine.gov](mailto:samantha.depoy-warren@maine.gov) / (207) 592-0427

*-The Michigan-based North Jackson Company and their Maine subcontractor S.W. Cole Engineering will work under DEP's direction to draft updated metallic mineral mining rules that reflect most protective practices given current mining systems and controls-*

AUGUSTA – The Maine Department of Environmental Protection has selected a Michigan firm with a Maine subcontractor to help modernize the state's decades-old mining rules.

Over the next 18 months, the North Jackson Company, an environmental science and engineering firm based in Michigan's Marquette Mineral District, will work under DEP's direction to draft new rules that modernize and improve environmental oversight of Maine's 20-year-old mineral mining rules, pursuant to a law that received bipartisan support from the 125th Legislature.

North Jackson Company was awarded the approximately \$175,000 contract because they have experience not only with mineral mining activities through their consulting work, and they helped Michigan – a state with similar climatic conditions to Maine – with a similar mining rule updating process.

They have subcontracted with the Maine-based S.W. Cole Engineering, Inc. to provide geotechnical engineering consulting services, given that firm's extensive expertise of Maine's environmental regulations and familiarity with the state's landscape.

The Legislature and DEP agreed to contract out assistance with the regulation drafting to ensure the modernized rules were based on sound-science, reflected current mining best practices and processes, and were most protective of the environment.

A request for proposals was widely advertised, including through notices sent to members of the National Mining Association and the Interstate Mining Compact. There were three dozen downloads of the RFP, with the fully-qualified North Jackson Company the only entity that eventually submitted a proposal.

Once updated rules are developed, they'll go through a transparent approval process providing multiple opportunities for public comment.

"Minerals can be recovered in that a way that keeps our air, land and water clean and Maine's outdated mining rules needed to be modernized to reflect that. Our selection of partners with reputations for providing reliable technical

information through rigorous science that allows their clients to make sound environmental management decisions demonstrates this process is one we take seriously. We look forward to working with the North Jackson Company and S.W. Cole as we undertake this important work together,” said DEP Commissioner Patricia Aho.

“DEP’s promise is that as this process moves forward, it will be thoughtful and transparent and if mining activity is carried out in Maine as a result of these regulatory updates, it will be done in a responsible, respectful way that helps Maine and its citizens receive the benefits of the resource while also guaranteeing that environmental protections are upheld and subsequent remediation and closure is adequate.”

Among the areas to be addressed in the updated rules are ground and surface water protection, the management of waste rock and the inclusion of financial assurance mechanisms that will guarantee any proposed mining operation provides financially for long-term closure and remediation.

For more information about the Maine Department of Environmental Protection, visit <http://www.maine.gov/dep>

For more information about the North Jackson Company, visit <http://www.northjacksonco.com>

For more information about S.W. Cole Engineering, visit <http://www.swcole.com>

-END-

## **Credits**

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