

Hunter King
1504 W Washington St.
Marquette, MI 49855

March 9, 2024

RE: CSCLS Comments on JPA #HPY-GN8D-M4Y1Z

Dear Mr. King,

These comments are submitted on behalf of Citizens for a Safe & Clean Lake Superior (CSCLS) regarding Tilden Mining Company LC JPA #HPY-GN8D-M4Y1Z. For reasons stated below, we urge EGLE to deny the permit request. 77.9 acres of wetlands is extreme and would have tremendous impacts on a watershed already heavily impacted by mining.

We echo and incorporate the points laid out in UPEC-Mining Action Group's comments, attached separately for reference. In addition, we would like to highlight a few select concerns and provide additional reasoning. Below we articulate these concerns:

1. For the Empire and Tilden Mines to receive separate permits impacting shared water resources without careful consideration of their shared cumulative impacts constitutes piecemealing, which is illegal. Cliffs received a 66.5-acre wetland permit for the Empire mine in 2019 and now has applied for a 77.9-acre wetland permit for the Tilden. We believe these permits should be considered as one, worth 144.4 acres and representing some of the largest permanent wetland losses ever permitted by Michigan. According to the applicant, cumulative impacts to streams from these piecemealed permits total 7,251 linear feet.
2. The project is clearly not wetland-dependent, so alternatives not impacting wetlands should be seriously considered. Alternatives are feasible and prudent if they would result in less impact to aquatic resources, and if the alternative is available and capable of being done after considering cost, existing technology, and logistics. Considering the already astronomic cost of the current chosen alternative, options utilizing the Tilden pit, Empire Mine property, National Mine property, and upland areas demand careful consideration as feasible alternatives.
3. The applicant did not accurately survey for endangered and threatened species in the project area. The applicant used very few sources and did minimal field surveying to look for species of concern. Along with adjacent landowner-documented observations of Bald Eagles and Grey Wolves within 1.5 miles of the proposed impacts, a nearby landowner has documented their observations of several rare bird species in the area. Below are the species listed and their significance:

Name of Species	Status/Reason for listing	Date observed	Location Observed (coordinates)
Bald Eagle	MI-Species of special concern	5/2/2023	46.48806, -87.58636
American Kestrel	Notable: North America's smallest falcon	5/17/2023	46.48806, -87.58636
Trumpeter Swan	Notable: population recently rebounded	5/21/2023	46.48806, -87.58636
Solitary Sandpiper	Notable: long distance migrant	7/15/2023	46.48806, -87.58636
Rusty Blackbird	Considered threatened by IUCN	5/2/2023	46.48806, -87.58636

These observations have been made outside of survey settings, and often just by circumstance. If adjacent landowners are seeing these birds, there's a very high likelihood that they exist within the proposed impact area. We believe EGLE should require Cliffs to complete more comprehensive surveying for threatened/endangered/species of concern to accurately confirm or deny the existence of species of concern.

4. The proposed wetland mitigation site for this project is inadequate. The Republic Wetlands Preserve should not be an allowed mitigation site for the Tilden and Empire Mines, despite the Advance Wetland Mitigation Agreement. Those wetlands have limited functionality because they're built on top of the old Republic Mine tailings ponds; they're also located 15.5 miles from the mine site, in a completely different watershed, and therefore do not adequately replace the functionality of the natural wetlands in the Schweitzer Creek/Esanaba River watershed.
5. The proposed stream mitigation site for this project is inadequate. The VanDamme Creek site, 32 miles from the impact area, prompts several concerns, including that the mitigation effort seems to restore water resources to benefit the same private landowner who damaged those resources. The significant distance between the stream impacts and mitigation also present concerns, as the mitigation of the VanDamme Creek will clearly not restore stream functionality to the Schweitzer Creek watershed, where multiple lakes and miles of streams have been destroyed for the mines, starving the watershed.
6. Cliffs has made it clear that they do not have Marquette County's best interests at heart, and cannot be relied on to meet statutory requirements to act in the public interest. Just recently, Marquette County revealed that Cliffs had \$50 million dollars in delinquent property taxes for the Empire over the past 7 years, resulting in the loss of public services in nearby townships. They also made statements about the mineability of ore at Empire that can constitute fraud, presenting serious concerns about their reliability and benefit to the public interest.

Through Tilden and Empire, Cliffs has destroyed almost a thousand acres of wetlands and lakes, and over 100,000 linear feet of streams in the Escanaba River watershed. These impacts are avoidable and unacceptable. EGLE has an opportunity and a responsibility to scrutinize these projects that seek to destroy our environment and poison our water. We ask that you use the authority imparted by Parts 303 and 301 and other relevant regulatory provisions to deny Joint Permit Application #HPY-GN8D-M4Y1Z. Thank you for your consideration of our comments.

Respectfully submitted,

A handwritten signature in black ink that reads "Jane Fitkin". The signature is written in a cursive, flowing style.

Jane Fitkin

Director, Citizens for a Safe & Clean Lake Superior
P.O. Box 83, Marquette, MI 49855