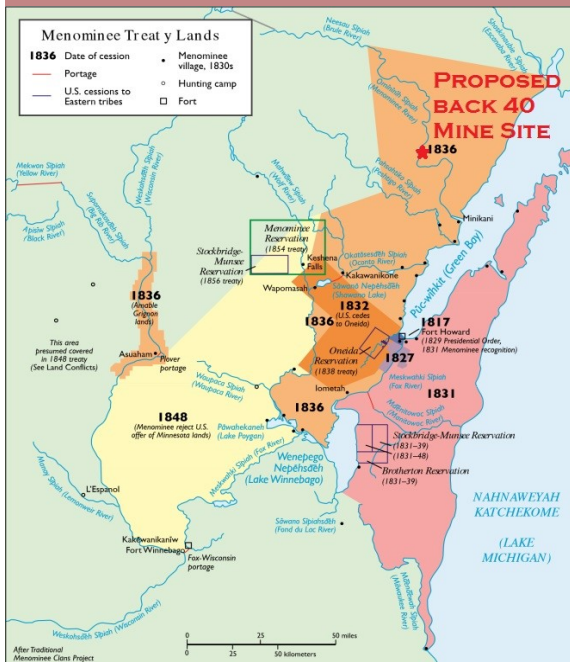


# Menominee Nation's Opposition to the Proposed Back Forty Mine



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## Permits Required for the Proposed Back Forty Mine

- **Mining Permit**
  - Approved by MDEQ on 12.28.16
  - On 2.24.17 Menominee filed a petition challenging the permitting of the Mine
- **Michigan Air Use Permit**
  - Approved by MDEQ on 12.28.16
- **National Pollutant Discharge Elimination System (NPDES) Permit**
  - Approved by MDEQ on 4.5.17
- **Wetlands Permit**
  - Pending as of 3.1.2017
  - Public comment period upcoming



60 Island Area of the Menominee River

## The Menominee Indian Tribe of Wisconsin

We are the Menominee Indian Tribe of Wisconsin, a federally recognized Indian Tribe, indigenous to what is now known as Wisconsin and Upper Michigan. By the early 1800's, the start of the treaty era, the Menominee occupied a land base estimated at 10 million acres; however, through a series of seven treaties entered into with the United States Government during the 1800's, the Tribe witnessed its land base erode to a little more than 235,000 acres today.

Our sacred place of origin exists within our 1836 treaty territory, at the mouth of the Menominee River, which is located in the border cities of Menominee, MI and Marinette, WI. It was here, a mere 60 miles east of our present Menominee Indian Reservation, where our five main clans: Ancestral Bear, Eagle, Wolf, Moose and Crane were transformed into human form and became the first Menominee.

As a result of our undeniable ties and long occupation of the Menominee River area, we have numerous sacred sites on the Menominee River, including the area of the proposed mine. Much like our brothers and sisters in the NODAPL movement we also know that water is essential to life. The Menominee River is the very origin of life for the Menominee people. It also provides life to Michigan and Wisconsin residents and the natural wildlife within the Great Lakes ecosystem. The harmful threats to this area and the interests of all who depend on the Menominee River, far outweigh the corporate interests of a Canadian exploratory company and justify the denial of the necessary permits for the proposed mine.

## The Proposed Back Forty Mine Project

The Back Forty Mine project is a proposed open pit metallic sulfide mine located on the banks of the Menominee River in Lake Township, Michigan. Aquila Resources Inc. (TSX: AQA) ("Aquila"), a Canadian development stage company, is actively seeking the necessary approvals to mine and process gold, zinc, copper, silver and other minerals at the site.

The Michigan Department of Environmental Quality (MDEQ) has approved three of the four permits required for the project. The Michigan Mining Permit and the Michigan Air Use Permit were approved by the MDEQ on December 28, 2016. The National Pollutant Discharge Elimination System (NPDES) Permit was approved on April 5, 2017 and the Wetlands Permit is currently under consideration before the MDEQ.

The Menominee Nation and many allies including local citizens, local governments, environmental organizations, and grassroots organizations are opposed to the mine, committed to stopping the project and organized in efforts to bring about public awareness of the harmful impacts of the proposed mine.



## Creation Story of the Menominee

*“Our creation story dates back thousands of years, when the Ancestral Bear emerged from the mouth of the Menominee River and was transformed into human form as the first Menominee.”*

## Burial Mounds

*“In 1956, Dr. Al Spaulding of the University of Michigan excavated 3 of the 8 mounds in the Backlund Mound Group and Village site. Out of this excavation the remains of at least 20 Menominee ancestors were removed from the mounds.”*



Menominee burial mound within the Backlund Mound Group and Village site

## Raised Agricultural Gardens

*“Over 3 miles of unique raised garden beds span the banks of the river near the 60 Island area. The existence of 1,000 year old plus agricultural garden beds at this latitude is indicative of the sophistication and traditional knowledge of the Menominee.”*



Raised Garden Beds on an upper terrace at the 60 Island Area of the Menominee River



Menominee Clans Exhibit—Menominee Cultural Museum

## Menominee Connection to the Menominee River

Our creation story dates back thousands of years, when the Ancestral Bear emerged from the mouth of the Menominee River and was transformed into human form as the first Menominee. Finding himself alone, the Ancestral Bear called out to the Eagle to join him as a brother. Over time 32 additional beings were taken as relatives and from this time on, the families united into an organized body known as the clan system. The Menominee clan structure consists of 34 clans organized into five main phratries or subdivisions (Bear, Eagle, Wolf, Moose, Crane). Each phratry consists of a principal clan and a number of member clans.

We continued to inhabit the Menominee River area for millennia, until the we reluctantly entered into an 1836 Treaty with the US. Menominee presence in the 60 Island area is well established through both oral tribal history and documented accounts.

## Menominee Cultural Resources in the Mine Footprint

Menominee burial mounds, places of worship, village sites and raised agricultural gardens are threatened by the development of the proposed mine. In 1956, Dr. Al Spaulding of the University of Michigan excavated 3 of the 8 mounds in the Backlund Mound Group and Village site. Out of this excavation the remains of at least 20 Menominee ancestors were removed from the mounds. Following years of efforts, in early 2017 the University confirmed our cultural affiliation claim to the remains under the federal Native American Graves Protection and Repatriation Act (NAGPRA). We remain steadfast in our efforts to protect our ancestors' burial sites as well as protecting other cultural sites in the area. In addition to other cultural sites, over 3 miles of unique raised garden beds span the banks of the river near the 60 Island area. The existence of 1,000 year old plus agricultural garden beds at this latitude is indicative of the sophistication and traditional knowledge of the Menominee.

Section 106 of the National Historic Preservation Act of 1996 (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties, and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. Michigan is one of a few states where the Federal Government delegated Section 404 Clean Water Act authority to the State. The Federal Government and Michigan have taken the position that permitting pursuant to delegated authority is not a federal undertaking that triggers Section 106 of the NHPA. To date no 106 consultation with the Menominee Indian Tribe has occurred. Similarly, following Michigan State law, meaningful inclusion of the Menominee has not occurred.

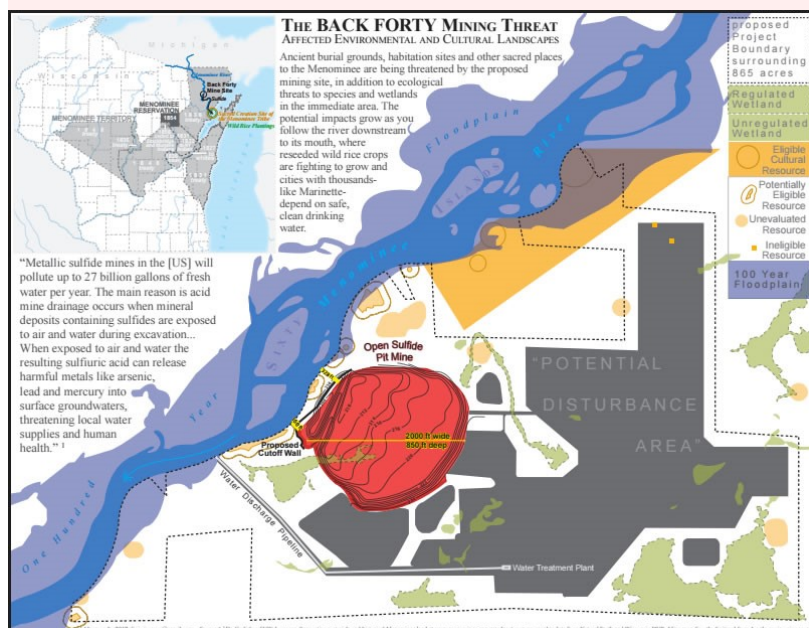
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## Environmental Concerns

The proposed open pit of the mine would sit a mere 150 feet from the banks of the Menominee River, which forms the boundary between Wisconsin and Upper Michigan, and flows into the Green Bay of Lake Michigan. The Great Lakes contain 20% of the world's fresh surface water and 95% of the U.S. surface water. An estimated 663 million people, or 1 in 10 people in the world, lack access to safe water and threats to this precious resource should not be taken lightly.

This project proposes to not only extract minerals but also process the minerals onsite. Sulfide mines pose serious threats associated with the leaching of sulfuric acid, which is extremely hazardous to freshwater rivers, lakes, streams and groundwater. Mine related water contamination would have compounding impacts for fish, birds, animals, insects, plants and humans whose existence is dependent on clean water from the Menominee River and the greater Great Lakes ecosystem.

In addition to the Menominee River, the Escanaba State Forest's Shakey Lakes Oak-Pine Barrens Ecological Reference Area (ERA) and proposed Biodiversity Stewardship Area (BSA) are adjacent to the site. There is no debate on whether the proposed mine, if approved, will contaminate the Menominee River area. The question is not if it will, but rather when it will and to what extent.



## How Can I Get Involved?

Visit [www.noback40.org/HowToHelp.aspx](http://www.noback40.org/HowToHelp.aspx) to learn more about our efforts and how to:

- \* Raise public awareness about the mine
- \* Join ongoing efforts to oppose the mine
- \* Engage with political leaders
- \* Engage with the mine's investors
- \* Donate to Menominee efforts

## Quick Facts

- The open pit portion of the proposed mine would measure over 750 feet deep and approximately 2,000 feet wide. That's 2.5 Statute of Liberties deep and the width of over 5.5 football fields — end zone to end zone.
- The open pit of the proposed mine would exist 150 feet from the banks of the Menominee River.
- The MDEQ received over 2,000 public comments with 98% of all comments opposed to the mine.
- The proposed open pit and tailings waste rock management facilities hinge on a proposed land swap between the State of Michigan and Aquila.



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