

Part 303 Wetlands Permit Test and Requirement:

Permit is otherwise Legal: This roadway is intended as Rio Tinto haul road. It directly connects the proposed Eagle Mine on the Yellow Dog Plains and their proposed ore processing plant at the Humboldt Mill on U.S. 41. Kennecott Minerals has a mining permit that indicates the route they intend to use. It is the AAA to 510 to 550 to US 41 to wherever.

The following of Non-Ferrous Metallic Mining permit statute commonly known as Part 632 as they pertain to this project:

R 425.103(a) the definition of 'mining activity' includes (iv) Beneficiation; (x) Construction of haul roads; and (xi) Construction of utilities or extension of existing utilities.

R 425.202 Environmental Impact Assessment shall be required for: (q) Existing and proposed infrastructure and utilities

R 425.204 Reclamation Plan (iii) 'all . . . infrastructure . . . constructed as a result of the mining activities shall be removed, unless they are converted to an alternate use in accordance with the proposed final land use.'

R 425.206 Amendment of permits.

Rule 206. (1) A mining permit may be amended at any time to address changes in the mining operation, natural or humanmade conditions, or technology, or to correct an oversight. An application for amendment of a mining permit shall be submitted on a form prescribed by the department, signed by the permittee or an authorized representative of the permittee. The application shall include revisions of any of the following that are affected by the changes:

- (a) The environmental impact assessment.*
 - (b) The mining, reclamation, and environmental protection plan.*
 - (c) The contingency plan.*
 - (d) Federal, state, and local permits and licenses that are anticipated to be required.*
 - (e) Provisions for financial assurance required under R 425.301.*
 - (f) Other terms and conditions of the mining permit.*
- (2) A permittee may submit a request to the department to amend a mining permit.*
- (3) The department may require a permittee to submit an application for amendment of a mining permit if the department determines that the terms and conditions of the mining permit are not providing the intended reasonable protection of the environment, natural resources, or public health and safety.*
- (4) Within 30 days after receiving a request to amend a mining permit, the department shall determine whether the request constitutes a significant change from the conditions of the approved mining permit. If the department determines that the request is a significant change, then the department shall submit the request for amendment to the same review process as provided for a new permit application in R 425.211(4)*

Former DEQ Director Jim Sygo did concur in writing that Kennecott must comply to this statute requirement. Until such time as the above law is followed the company has no other route that may legally construct or use to haul their ore. Therefore, any construction of this road is an illegal activity as defined by the law of the land under Part 632. This wetlands permit should be

after they obtain the necessary amendment not before. They have the cart before the horse. To say that this is a partnership of other folks and does not fall under the Part 632 law is unlawful. Jon Cherry is the president of Kennecott Minerals Eagle Project. He works for Rio Tinto. Rio Tinto is paying the bill. Jon Cherry is the president of the Woodland Road LLC. Jon Cherry signs the applications and correspondence. This is a blatant side-step of the law of Michigan. This application needs to be denied based on the fact that this project will not be otherwise legal.