

DEQ Press Release - DEQ Issues Final Decision on Kennecott Mining Permits

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DEQ Issues Final Decision on Kennecott Mining Permits

The Department of Environmental Quality announced today that a final order has been signed to approve permits for the Kennecott Mine project located near Marquette. The action taken today affirms and supplements an Administrative Law Judge's Proposal for Decision (PFD) that was issued following a contested case hearing that challenged the DEQ's original decision to issue permits for the proposed mining project. The Judge in the case had ruled that the proposed mine would meet the requirements of Michigan's strict environmental laws.

The announcement today follows a decision by former DEQ Director Steven E. Chester to remand the PFD back to the Administrative Law Judge in November, 2009, and asked that clarification be provided on a recommendation that the permit contain a condition that requires avoidance of any direct impact to a land feature known as Eagle Rock. That recommendation was premised on the conclusion that Eagle Rock needed to be considered a place of worship under Michigan's mining law. However, that legal issue was not briefed by the parties in the contested case prior to the issuance of the PFD, nor did the Judge give further detail as to how that conclusion would apply to the DEQ's decision under Michigan's mining law.

Today's decision responds to legal briefs provided by the parties related to the Eagle Rock issue, and finds that the pertinent provision of Michigan's mining law would not apply. Therefore, the final order signed by the DEQ today affirms that the permits issued by the DEQ meet all of the necessary requirements.

The signed order is the DEQ's final action on Kennecott's application, and culminates a long and extensive review and public participation process conducted by the DEQ. That process included extensive review of all materials by a multi-disciplinary mining review team, technical review by national mining experts, and multiple public hearings.

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