

The Menominee County Board of Road Commissioners held a special meeting in their offices north of Stephenson on Thursday, December 15, 2016.

Chair Kakuk called the meeting to order at 6:02 p.m. with the following persons present or absent:

Present: William Anderson, Anthony Kakuk, Joseph Skrobiak, Darrell Moilanen and Lisa Savord. Also present were Clifford Nelson, Jr and Dennis Donohue- Aquila Resources; Jerry Piche – Menominee County Commissioner; Lake Township Officials - Bob Desjarlais, Charlene Peterson, and Barb Racsek; Holmes Township officials – Ray Guard, Dena Kempf, Trisha Thoune-Koller, Mike Zemba and Ray Furmanski; Daggett Township official – Phil Revall; Menominee Indian Nation officials – Gary Besaw and David Grignon; EagleHerald reporter Lisa Reed. Also in attendance were numerous other local residents and Menominee Indian Nation tribal members.

Absent: None

The Pledge of Allegiance was recited.

Public comments – Tom Boerner presented the board with a handout that included photos of when portions of River Road had to be closed in the spring during break-up and he also noted that there had been times in the past when the road was flooded.

Public Appearances – Clifford Nelson, Jr., Aquila Resources, gave a presentation regarding Aquila's proposed trucking routes from the mine to US 41. Also shown was their proposed temporary realignment of approximately 2500 feet of River Road. Mr. Nelson also noted that Aquila Resources hopes to have the necessary DEQ permits in place by the end of 2016, so they can begin construction of the mine. The DEQ permits, however, do not address road access to the mine. The proposed trucking routes include building a new all season road through state land to connect to CR356, then north to Swanson Road (which would also be upgraded to all season); or north on River Road to Rosebush Lake Road to CR356, to Swanson Road; or south on River Road south to G-12. Aquila Resources would fund all needed road upgrades.

Input from township officials - Bob Desjarlais, Lake Township Supervisor, asked if there would be public access on the proposed mine road through state land. Mr. Nelson replied that the road would be open up to the mine gate. Anderson asked what the length of the proposed River Road bypass would be. Mr. Nelson stated approximately ½ mile. He also noted that the River Road bypass would be built as a 16' wide single lane, double chip sealed, road with traffic signals on both ends and that the new bypass would avoid all cultural sites. The road would only be closed to the public during blasting. The road commission would apply for all easements and permits and Aquila Resources would cover all costs. River Road would be put back to its original route once the mine closed.

Cliff Nelson stated that Aquila Resources preferred route would be to build the new road through state land, to CR356, to Swanson Road.

Kakuk asked who had given the mine permission to mine across a portion of River Drive. Dennis Donohue, attorney for Aquila Resources, replied that since Aquila owned the mineral rights under the road they had a legal right to dig up the road to remove the minerals. Bob Desjarlais stated that the road commission should seek their own legal opinion on this matter and most others in attendance were in agreement with this. Mr. Desjarlais also asked why Aquila wasn't considering another option using Broberg Lane to CR577 then to Old US41.

Moilanen reminded the group that the first decision the road commission needed to make was whether they supported building the new road through state land, and noted that even if they did the DNR could still deny the request. If the road commission does not vote to support the new road then the mine could approach the DNR on their own to seek permission to build the road and possibly offer the DNR a land swap. Moilanen asked where the power lines for the mine would be run. Mr. Nelson responded that they were coming from CR356 then through the state land.

Other concerns brought forward from those in attendance included the following:

1. Safety of school buses traveling on CR358 with the additional truck traffic. Mr. Nelson stated there would only be 6-7 trucks a day to remove product from the mine, with a total of 10-11 trucks/buses if you include bringing in employees and supplies.

2. Concerns about the realignment of River Road being closer to the Menominee River and the amount of water that already exists on both sides of the road during certain times of the year.
3. A request that Aquila Resources put their road plans in writing so that it can be reviewed further by anyone with concerns.
4. Whether or not the mineral rights actually do allow them to mine out a part of River Drive.
5. The dangers of the explosives being trucked into the mine. Mr. Nelson responded that they are not explosive until all ingredients are mixed together at the mine site.
6. The amount of traffic during the construction of the mine – why has this not been talked about and what will this trucking do to the roads? Mr. Nelson replied that construction materials would be brought in on existing roads and would follow any hauling laws that are in place.
7. Gary Besaw, Legislative Representative of the Menominee Nation stated that the tribe is concerned with the relocation of River Road due to the existence of 24 cultural sites that are on both sides of the road. They are also concerned with storm water discharge, erosion, water quality, and their ancestral grave sites being disturbed. Mr. Besaw also noted that tribal members travel to the area to perform ceremonies at these grave sites. The tribe would like to be notified of any further plans being considered in the area.
8. David Grignon, Tribal Historic Preservation Officer for the Menominee Nation stated there are burial mounds on both sides of River Road that should not be disturbed. He is also concerned with the location of the staging area for the construction site as well as placement of culverts, etc. as there are other cultural sites there in addition to the burial mounds.
9. If a new road is going to be built through state land, how will the public be compensated since the public are the owners of this land?
10. Dena Kempf, Holmes Township Clerk, asked if the board could prevent trucks from using the roads. Moilanen replied only if they are causing damage to the roads. Cliff Nelson added that their load weights would be limited during breakup anyway.
11. It was asked how the realignment of River Road could avoid cultural sites, when the whole area is a cultural site.
12. Discussion on how weight limits were calculated, to which Moilanen advised that it was based on number of axles and tires, following Michigan law.
13. The distance from the cultural sites to the area where blasting would take place.
14. How did Aquila Resources determine where the cultural sites are? Mr. Nelson responded that they had archaeologists research the area.
15. Ray Guard, Holmes Township Supervisor, stated that he was in agreement with Lake Township that the most direct route to the mine should be used. Daggett Township officials had no additional comments to add. Bob Desjarlais asked why Aquila Resources never gave their presentation at a Lake Township meeting.

Discuss/act on realignment of River Road – Kakuk stated that he felt a decision could not be made until Aquila Resources had all their permits in place so that they would know exactly if and where the DEQ was going to allow them to operate the mine. Moved by Anderson, seconded by Skrobiak to table this item until the DEQ has made a decision on Aquila Resources' permit applications. Carried unanimously.

Discuss/act on proposed truck route access to mine – Kakuk noted that 10% of all recreational lands have been lost since 1990 and that he opposed giving up any DNR land for the proposed road approximately 2 miles long. Moved by Anderson, seconded by Skrobiak to not support Aquila Resources building a new mine access road through state owned land. Carried unanimously.

Any other business – Skrobiak stated that he had received many calls about the proposed road through state land and that none of them had been positive. Anderson agreed.

Public Comments – Additional comments/concerns were received regarding whether the road commission should support the mine excavating a portion of River Road and what state laws were regarding road commissions rights; how long “temporary” would be for the bypass – 16 to 18 years was quite a long time for this; the amount of money already spent on G-12 by the dam and that it was likely too narrow on the curve for the trucks to pass through.

Ray Guard, Holmes Township Supervisor, noted that Holmes Township would like to have input if the trucking route were to include Rose Bush Road,

Guy Ruter, Menominee Indian Nation, asked that the tribe be kept in the loop regarding any further decisions with River Road. Kakuk advised him to leave contact information with Savord.

Gary Besaw, Legislative Representative of the Menominee Nation, stated that the tribe feels that the Aquila Resources archaeological study was not complete and that the tribe still has many questions regarding the River Road realignment.

There being no further business, Kakuk declared the meeting adjourned at 7:09 p.m.

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Road Commission Finance Director-Clerk

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Road Commission Chair