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LOCAL COMMENT

UP mine threatens sacred tribal rights

BY JESSICA L. KOSKI

For far too long, the voices of affected and concerned Ojibwa people have been ignored in the midst of Kennecott's proposed Eagle Mine in Michigan's Upper Peninsula.

I am a member of the Keweenaw Bay Indian Community, and we did not invite Kennecott, a subsidiary of multinational mining giant Rio Tinto, to come into our ceded homelands and reservation territory to explore for minerals, blast into our sacred site, and leave behind a dying legacy of colonialism.

Indigenous peoples throughout the world are on the front lines of similar pressures to develop resources within their homelands, with little regard for their aboriginal rights. There is little mainstream media attention bringing awareness to these issues, despite a global movement for indigenous rights and numerous case studies on the impacts of mining and other extractive industries on indigenous communities.

In addition to the proposed Eagle Mine, Rio Tinto's intentions to open up six additional mine sites, and increasing mineral exploration throughout the entire Lake Superior basin, are threatening Ojibwa treaty rights. Through treaties with the federal government, Ojibwa leaders ensured permanent reservations and retained rights to hunt, fish and gather on ceded lands. If the water and land are polluted from harmful mining, how will our treaty rights and cultural values be honored and continue into the future?

Under Michigan law, a mining permit applicant must demonstrate that a mine will not pollute, impair or destroy natural re-sources. Unfortunately, Michigan's Department of Environmental Quality (now folded into the Department of Natural Resources and Environment) failed to place the burden of proof on Kennecott to prove that it can mine safely.

There is no example of a successful sulfide mine with similar design and location as Kennecott proposes. The potential for mine collapse and irreversible acid mine drainage makes the proposed Eagle Mine especially controversial due to its location within a delicate watershed and underneath the Salmon Trout River, which flows directly into Lake Superior.

A sacred site to the Ojibwa people, Eagle Rock, stands at the heart of resistance as Kennecott's proposed mine portal. On Aug. 19 last year, Administrative Law Judge Richard A. Patterson recommended that Eagle Rock be protected as a place of worship. However, Steven Chester, the previous director of the DEQ, ignored this recommendation and approved Kennecott's mining permit on Jan. 14. Chester alleged that

Eagle Rock is not legally a place of worship because it does not consist of any built structures, which is rooted in his subjective understanding regarding a place of worship. This is ethnic discrimination in the enforcement of Michigan's environmental policies.

These issues demand national attention and the mobilization of citizens and leaders before Kennecott continues to assert its ability to move full force ahead despite an appeals process and without approval from the U.S. Environmental Protection Agency under the Clean Water Act. The EPA should be obligated to protect sensitive areas of national significance like the Great Lakes.

The protection of Eagle Rock should also be enforced under the U.S. Constitution's Free Exercise Clause of the First Amendment and the American Indian Religious Freedom Act of 1978. Furthermore, we need stronger laws specifically dedicated to the conservation of Native American sacred places. We cannot stand to lose the places that reinforce our relationship to the sacredness of Mother Earth and our identity as a people.

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