

*CEMP NOTIFICATION PLAN*

Community Environmental Monitoring Program (CEMP)  
Notification Plan

September 12, 2013

## *CEMP NOTIFICATION PLAN*

### Introduction

The Community Environmental Monitoring Program (CEMP) of the Eagle Mine (Eagle), located in Northern Marquette County, Michigan, is an independent program implemented by two community-based organizations; the Superior Watershed Partnership (SWP) and the Marquette County Community Foundation (MCCF). The CEMP is defined and governed by formal agreements between these organizations and Eagle Mine. The CEMP is designed to build a comprehensive and accurate picture of any environmental impacts that may be a result of Eagle's operations at the mine site, the Humboldt Mill, and along the designated transportation route. The CEMP is independent, transparent, and based on the highest scientific standards.

The *CEMP Notification Plan* describes agreed upon procedures for communication between the SWP, MCCF and Eagle with respect to the Annual Work Plan and Budget, SWP and Eagle disputes, data and Information sharing, and community outreach. The plan is presented in a table format that includes topics for discussion, the various steps in the communication process under each topic, and the parties that will be notified.

Notified parties include SWP, MCCF, and Eagle representatives responsible for overseeing and implementing the CEMP. These parties are organized into three work groups: the *Policy Group*, *Technical Group*, and *CEMP Committee*. The accompanying contact list of the individual parties (including names, titles, and contact information) is not included in this *Notification Plan*. A list of CEMP work group members (by title) is provided below.

The procedures outlined in this *Notification Plan* supplement and/or supersede procedures described in the CEMP Program and Funding agreements (September 2012).

# *CEMP NOTIFICATION PLAN*

## **Community Environmental Monitoring Program Work Groups**

### **Policy Group**

Superior Watershed Partnership Members:

- Executive Director
- Senior Planner
- CEMP Outreach Coordinator
- Board Member/Liaison to CEMP Committee

Eagle Mine Members:

- Manager Communities and Social Performance
- Environmental Manager

### **Technical Group**

Superior Watershed Partnership Members:

- Executive Director
- Senior Planner
- CEMP Outreach Coordinator
- Board Member/Liaison to CEMP Committee

Eagle Mine Members:

- Manager Communities and Social Performance
- Environmental Manager

### **CEMP Committee**

- Committee Chair
- Environmental Representative
- Mining Representative
- Keweenaw Bay Indian Community (Open Seat)
- Community Representative

# *CEMP NOTIFICATION PLAN*

## Table of Contents

- I. Annual Work Plan and Budget
  - a. Annual Work Plan/Budget
  - b. CEMP Budget Requests to Eagle
  - c. Monthly Invoices to MCCF
  - d. Year End Closeout
  - e. CEMP Committee Annual Report
  - f. Requests for Additional Monitoring
  
- II. SWP/Eagle Disputes
  - a. CEMP Committee Technical Dispute Resolution
  - b. CEMP Committee Other Dispute Resolution
  
- III. Data/Information Sharing
  - a. Data Anomalies and/or Other Events
  - b. Serious Risks and/or Breaches of Permits or Other Applicable Environmental Regulations
  - c. Release of Information
  - d. Other Data
  
- IV. Governance
  - a. Technical Group
  - b. Policy Group
  - c. CEMP Committee
  
- V. Community Outreach
  - a. Community Meetings/Forums
  - b. CEMP Report Card
  - c. SWP Rating for Eagle Score Card

## CEMP NOTIFICATION PLAN

<b>Topic</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Notified Parties</b>
<b>I. ANNUAL WORK PLAN AND BUDGET</b>				
a. Annual Work Plan/Budget	SWP submits a draft of the annual Work Plan and Budget to <i>Eagle</i> by October 1 <sup>st</sup> . <i>Eagle</i> provides comments to SWP by November 1 <sup>st</sup> .  If SWP and <i>Eagle</i> can't agree, either party can request a CEMP Committee decision (see II. CEMP Committee Dispute Resolution).	SWP submits Work Plan/Budget to CEMP Committee by November 15 <sup>th</sup> .  CEMP Committee provides comments and acceptance in writing to SWP by December 15 <sup>th</sup> .	SWP posts final Work Plan/Budget and CEMP Committee acceptance letter to CEMP website by December 31 <sup>st</sup> .	CEMP Committee, Policy Group, Technical Group, SWP Administrator
b. CEMP Budget Requests to <i>Eagle</i>	MCCF COO requests the first half of the annual budget with notification to CEMP Committee Chair by December 15 <sup>th</sup> .  MCCF COO requests the second half of the annual budget with notification to CEMP Committee Chair by May 15 <sup>th</sup> .	<i>Eagle</i> provides funding to MCCF by January 31 <sup>st</sup> .  <i>Eagle</i> provides funding to MCCF by July 1 <sup>st</sup> .		MCCF, CEMP Committee, Policy Group, SWP Administrator
c. Monthly Invoices to MCCF	SWP submits monthly invoices to MCCF COO for reimbursable expenses. The CEMP Committee Chair and <i>Eagle</i> receive copies of monthly invoices.	<i>Eagle</i> confirms no objection via email to MCCF COO, CEMP Committee Chair, and SWP or has 14 days to object.  If SWP and <i>Eagle</i> can't	MCCF issues checks to SWP for reimbursable expenses.	MCCF, CEMP Committee, Policy Group, SWP Administrator

## CEMP NOTIFICATION PLAN

		agree, either party can request a CEMP Committee decision (see CEMP Committee Dispute Resolution).		
d. Year End Closeout	<p>SWP submits final invoice and annual financial report to Eagle, MCCF COO and the CEMP Committee Chair no later than February 28<sup>th</sup> of each year.</p> <p>Remaining funds can be carried over in two ways: 1) to a continuing line item in the current budget, and/or 2) to a contingency fund line item in the current budget (not to exceed \$100k).</p>	<p>Eagle confirms no objection via email to MCCF COO and CEMP Committee Chair cc SWP or has 14 days to object.</p> <p>If SWP and Eagle can't agree, either party can request a CEMP Committee decision (see CEMP Committee Dispute Resolution).</p>	<p>MCCF Issues check to SWP for reimbursable expenses.</p> <p>SWP Annual Financial Report is posted to CEMP website.</p> <p>CEMP Committee accepts carryover of funding to the current budget.</p>	MCCF, CEMP Committee, Policy Group, SWP Administrator
e. CEMP Committee Annual Report	CEMP Committee Chair provides a draft annual report to SWP and Eagle for review by February 29 <sup>th</sup> . SWP and Eagle provide comments by March 15 <sup>th</sup> .	CEMP Committee issues an annual report on March 31 <sup>st</sup> .	Annual report is made public on CEMP website.	MCCF, CEMP Committee, Policy Group, Technical Group, SWP Administrator
f. Requests for Additional Monitoring	SWP provides Eagle with a plan for any additional environmental monitoring that is not described in the annual Work Plan (based on requests from the	Eagle confirms no objection to the additional monitoring plan or provides comments within 28 days.	If SWP and Eagle can't agree on the additional monitoring plan, either party can request a CEMP Committee decision (see II. a. CEMP Committee	Policy Group, Technical Group

## CEMP NOTIFICATION PLAN

	community, etc.). SWP may also request “emergency” environmental monitoring within 24 hours of an incident or discovery of an event.	Eagle responds in time to allow SWP monitoring to take place within 24 hours (or as soon as possible) following an incident or discovery of an issue.	Technical Dispute Resolution).	
II. SWP/EAGLE DISPUTES				
a. CEMP Committee Technical Dispute Resolution	SWP and Eagle have an unresolved <u>technical</u> dispute.  SWP announces publicly within one week what the dispute is about.	SWP and/or Eagle request CEMP Committee Dispute Resolution.  SWP and Eagle agree on a peer reviewer.  If SWP and Eagle can’t agree on a peer reviewer, they each nominate two peer reviewers. CEMP Committee decides on final peer reviewer.	CEMP Committee determines the scope and sets a budget and timeline for the peer review after consulting with SWP and Eagle.  Peer Reviewer provides input to CEMP Committee. CEMP Committee decision is final.  SWP publicizes results on CEMP website within one week of decision.	CEMP Committee, Policy Group, Technical Group
b. CEMP Committee Other Dispute Resolution	SWP and Eagle have an unresolved dispute.  SWP announces publicly within one week what the dispute is about.	SWP and/or Eagle request CEMP Committee Dispute Resolution.	CEMP Committee determines the scope and timeline for dispute resolution after consulting with SWP and Eagle.  CEMP Committee decision is final. SWP publicizes results within one week of decision.	CEMP Committee, Policy Group, Technical Group
III. DATA/INFORMATION SHARING				

## CEMP NOTIFICATION PLAN

<p>a. Data Anomalies and/or other Events</p>	<p>SWP and Eagle will notify each other of any 'event' as soon as possible. <i>Event</i>: An unexpected occurrence that requires further investigation or analysis to determine whether there is a risk to people or the environment.</p> <p>Communication will be by phone and will be followed up with a confirming email.</p>	<p>SWP and Eagle will meet to classify the significance of the risk and determine the respective actions and timelines. First preference is face to face meetings otherwise via teleconference.</p>	<p>SWP and Eagle options include: 1) no action, 2) initiate further investigations/monitoring, or 3) Treat as serious risk or permit violation requiring release of information (see III. b. or III. c. below).</p>	<p>Policy Group, Technical Group</p>
<p>b. Serious Risks and/or Breaches of Permits or applicable environmental Regulations</p>	<p>SWP and Eagle will notify each other as soon as possible of any data or information that indicates a serious risk to human health or the environment.</p> <p>SWP and Eagle will notify each other of any data or information that indicates a breach of permits or State or Federal regulations within 24 hours of discovery.</p> <p>If communication is by phone, it will be followed up with a confirming email.</p>	<p>SWP or Eagle will notify DEQ and other relevant authorities as soon as possible.</p> <p>If appropriate, SWP and Eagle will re-sample to confirm results.</p>	<p>A summary of the data/issue will be posted on the CEMP website within 10 days of receiving results.</p> <p>SWP will provide Eagle with a reasonable opportunity to comment on postings to the CEMP website. In the event of divergent views, both views will be made available to the public on the CEMP website.</p> <p>Both parties can make suggestions about how to address the problem when the data is made public. Data must be presented in a way that is understandable by the widest possible audience.</p>	<p>Policy Group, Technical Group, DEQ</p>



## CEMP NOTIFICATION PLAN

c. Release of Information	In the event of serious risk or breach of permit SWP and Eagle will communicate with each other before making data public.	SWP and Eagle will first share views regarding the significance of the risk, the steps being taken to address the risk, and how to inform the community.  SWP and Eagle will communicate as frequently as needed, depending on the seriousness and duration of the risk.	SWP and Eagle may independently release information to the public as soon as possible including any views about significance and possible further actions.  SWP will provide Eagle with a reasonable opportunity to comment on postings to the CEMP website. In the event of divergent views, both views will be made available to the public on the CEMP website.  Data must be presented in a way that is understandable by the widest possible audience.	Policy Group, Technical Group, DEQ, Other authorities (TBD)
d. Other data	Eagle will share other data/laboratory results with SWP within 14 days of it coming to hand.	Any CEMP posting of data or comments related to data will be shared with Eagle. Eagle will have a reasonable opportunity to comment prior to posting.	SWP will post data to the CEMP website within 14 days of receipt from Eagle. Data must be presented in a way that is understandable by the widest possible audience.	Policy Group, Technical Group
IV. GOVERNANCE				
a. Technical Group	The SWP and Eagle Technical Group will meet monthly to discuss CEMP activities, share	Meeting dates and other events will be communicated between	Eagle and SWP will notify each other of any meetings scheduled	Technical Group

## CEMP NOTIFICATION PLAN

	updates, and address any other relevant information.	SWP and Eagle.	with SWP or CEMP Committee members prior to the meeting date.	
b. Policy Group	The SWP and Eagle Policy Group will meet quarterly to discuss relationships, dissemination of CEMP case studies, and improvements to the implementation of the CEMP.	Meeting dates and other events will be communicated between SWP and Eagle and will include CEMP Committee Chair.	Eagle and SWP will notify each other of activities each takes to disseminate the CEMP case studies.	Policy Group
c. CEMP Committee	The CEMP Committee will meet quarterly to discuss scheduling and other activities.	CEMP Committee Chair will invite SWP and Eagle to quarterly meetings.	CEMP Committee Chair will notify SWP and Eagle of any actions taken by the CEMP Committee.	CEMP Committee
<b>V. COMMUNITY OUTREACH</b>				
a. Community Meetings/Forums	<p>SWP holds Town Hall meetings in the City of Marquette, Powell Township, Humboldt, Michigamme Townships, and L'Anse or Baraga.</p> <p>Eagle holds Community Forums on a semi-annual basis in the City of Marquette, Ishpeming, Powell, Humboldt, and Michigamme Townships, and L'Anse or Baraga.</p>	<p>SWP and Eagle will notify each other of dates for public meetings and events through the annual Work Plan or email notification.</p> <p>Technical Group will discuss the CEMP Report Card and information to be presented before the Town Hall Meetings and Community Forums.</p>	<p>SWP Town Hall meetings will be held prior to Eagle's semi-annual Community Forums.</p> <p>SWP will attend Eagle's Community Forums.</p>	Policy Group, Technical Group

## CEMP NOTIFICATION PLAN

	Both SWP and Eagle hold additional public meetings, presentations, and events.			
b. CEMP Report Card	<p>SWP rates Eagle’s environmental performance using agreed upon criteria on a quarterly basis or more frequently as issues arise.</p> <p>SWP’s rating of Eagle’s environmental performance is made public in a Report Card on the CEMP website.</p>	<p>SWP provides Eagle with a draft Report Card for review/comment prior to making it public.</p> <p>Eagle provides comments within 14 days. If SWP and Eagle can’t agree, either party can request a CEMP Committee decision (see CEMP Committee Dispute Resolution).</p>	SWP posts the Report Card on the CEMP website and presents information on the report card to the public at Town Hall meetings, etc.	Policy Group, Technical Group
c. SWP Rating for Eagle Score Card	SWP provides Eagle with a simplified version of its report card for inclusion in Eagle’s Community Forums.	SWP report card data will be provided to Eagle at least 30 days before the first scheduled Forum and should be in a format that is easily incorporated into Eagle’s Score Card.	Eagle’s Score Card includes data from SWP’s Report Card and is presented at community forums. The Score Card is also posted to Eagle’s website and published in the Mining Journal.	Policy Group, Technical Group