

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS

7500 ODAWA CIRCLE
HARBOR SPRINGS, MI 49740

DECLARATION 082210-002

Statement in Opposition to the Frontier Energy Project Because of the Devastating Impact on Tribe's Culture

A Declaration is a formal written public statement in support or opposition of an issue or matter. One or more Tribal Councilors may sign onto a Declaration as individual Councilors. A Declaration shall not obligate or commit the Tribal Council in any manner. Declarations do not require formal action by the Tribal Council.

The Waganakising Odawak is a nation of citizens with inherent sovereignty and right to self-governance; and

The Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621); and

In accordance with the Little Traverse Bay Bands of Odawa Indians Constitution:

“ IN THE WAYS OF OUR ANCESTORS, to perpetuate our way of life for future generations, we the Little Traverse Bay Bands of Odawa Indians, called in our own language the WAGANAKISING ODAWAK, a sovereign, self-governing people who follow the Anishinaabe Traditions, Heritage, and Cultural Values, set forth within this Constitution the foundation of our governance.

We will work together in a constructive, cooperative spirit to preserve and protect our lands resources and Treaty Rights, ... In keeping faith with our Ancestors, we shall preserve our Heritage while adapting to the present world around us... ” and

The Little Traverse Bay Bands of Odawa Indians Tribal Government and staff have been active in work to protect the environment for both our present citizens and coming generations through approval and implementation of a body of tribal laws and regulations; and

The Tribe has concerns about the potential impact that Frontier energy project will have on land, air and water impacting the culture of the Tribe; and

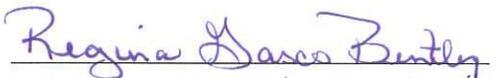
This project will take wood from approximately a 150 mile radius. This radius would encompass 80 percent of the public lands with in the 1836 Ceded Territory Treaty area which the Tribe uses for hunting for subsistence and gathering of medicines; and

The Tribe has a concern as to whether the use of hard woods to sustain the Frontier energy project will impact the wildlife and plant medicines found within the forests; and

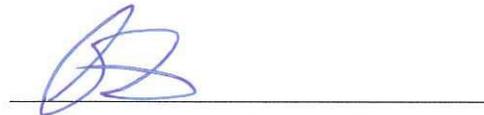
The Tribe has concerns about the amount of water that will be used to sustain the Frontier energy project along with the potential discharge of water into the Munuscong Watershed that may contain containments; and

The Tribe is concerned about the potential toxics that might be emitted into the air by the Frontier energy project including such contaminants as NOx, CO, VOC, PM, SO2, and other Toxic Air Contaminants already in the area; and.

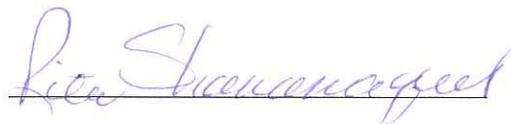
The undersigned Tribal Councilors declare that they understand the sacred relationship between the Tribes the lands and waters of their Ancestors and declare that the Frontier energy project will have an impact on the cultural traditions of the Tribe and without further information we are unable to support this project.


Tribal Councilor Regina Gasco Bentley

Date: 8-22-10


Tribal Councilor Aaron Otto

Date: 8-22-10


Tribal Councilor Lisa Swanenborg

Date: 08.22.10

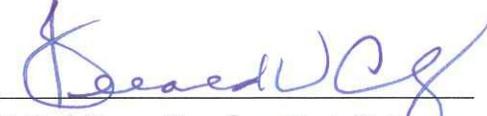
Tribal Councilor Rita Shananaquet


Tribal Councilor John Bott

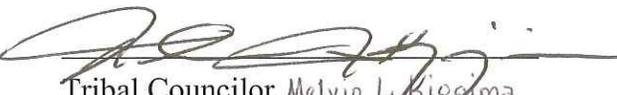
Date: 8-22-10


Tribal Councilor Julie Shananaquet

Date: 8-22-10


Tribal Councilor Gerald V. Chingwa

Date: 8/22/10


Tribal Councilor Melvin L. Kiogima

Date: 8/22/10


Tribal Councilor Belinda Bardwell

Date: 8-22-10


Tribal Councilor Marvin P. Mulholland

Date: 8-22-10

A copy of this Declaration is on file at the Tribal Council Legislative Office.

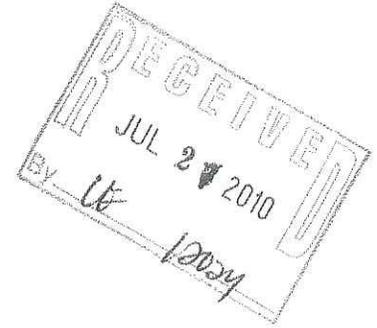
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Department of Energy

Golden Field Office
1617 Cole Boulevard
Golden, Colorado 80401-3393

July 22, 2010



Mr. Ken Harrington, Chairman
Little Traverse Bay Band of Odawa Indians
7500 Odawa Circle
Harbor Springs, MI 49740-9692

Dear Mr. Harrington,

The U. S. Department of Energy is proposing to provide Federal funding to Mascoma Corporation for the final design, construction, and operation of a cellulose-to-ethanol biorefinery near the City of Kinross, Michigan in Chippewa County. Frontier Renewable Resources, LLC, a joint venture between Mascoma Corporation and J.M. Longyear, LLC, would develop and operate the proposed facility. The proposed facility is intended to further the government's goal of rendering cellulosic ethanol cost-competitive with corn ethanol by 2012.

The proposed biorefinery would utilize approximately 1,440 bone dry tons per day of hardwood pulpwood to eventually produce up to 40 million gallons per year of anhydrous ethanol. Co-products, such as the lignin and spent cullose from the process, would either be sold or used to produce steam and electricity in a biomass boiler. Feedstock would consist of hardwood pulpwood within the Michigan counties with a 150-mile radius of the site.

The proposed project site comprises a 355 acre plot of land in Kinross Township of Chippewa County, Michigan, Township 45 North, Range 01 West, Sections 21 and 28. It lies approximately one-half mile northeast of Kinross. The attached Site Location Map (Figure 1) provides an overview of the general property and access to area roads. Frontier plans to construct the plant on approximately 50 acres located within the southern 160 acres.

The proposed site is adjacent to the former Kincheloe U.S. Air Force base in Kinross. The site is predominantly wooded with no existing structures and limited unpaved trails. A snowmobile trail runs along the west boundary of the property and cross a small portion of the northwest corner. Figure 2 presents the Site Location Map with a 2005 Aerial Photo.

An environmental assessment (EA) is currently being prepared for the proposed Project by the Department's Golden Field Office to meet the requirements of the *National Environmental Policy Act*. DOE will include correspondence with your tribe in an appendix to the EA. This letter as well as the draft EA, when it is available, will be posted in the DOE Golden Field Office online reading room: http://www.eere.energy.gov/golden/reading_room.aspx. At this time we anticipate a 15-day public comment period for this proposed project. You will receive a notice of the availability of the draft EA. Please contact DOE if you would like to receive a hardcopy of the draft EA.

DOE is initiating consultation and requesting information your tribe may have on properties of traditional religious and cultural significance within the vicinity of the proposed facility and any comments or concerns you have on the potential for this proposed project to affect those properties. This information is being requested to aid in the preparation of that Environmental Assessment and to meet our obligations under Section 106 of the National Historic Preservation Act and the Native American Graves Protection



Frontier Declaration

and Repatriation Act of 1990. If you have any such information, require additional information, or have any questions or comments about that project, please contact me at the following address:

Ms. Kristin Kerwin
U.S. Department of Energy
1617 Cole Boulevard
Golden, Colorado
Email: kristin.kerwin@go.doe.gov
Phone: 303-275-4968

Please provide your comments within 30-days of receipt of this letter. Thank you in advance for your consideration.

Sincerely,



Kristin Kerwin
NEPA Compliance Officer

Attachments

Figure 1. Site Location Map

Figure 2. Site Location Map with a 2005 Aerial Photo.

CC: Ms. Winnay Wemigwase, Director
Cultural Preservation and Archives
Little Traverse Bay Band of Odawa Indians
7500 Odawa Circle
Harbor Springs, MI 49740-9692

cc: Tribal Chair

July 28, 2010

Mr. William Presson
Acting Permit Section Supervisor
Michigan Department of Natural Resources and Environment Air Quality Division
P.O. Box 30260
Lansing, MI 48909-7760

RE: PTI # 166-09: Frontier Renewable Resources, LLC, Kinross, MI

Dear Mr. Presson,

I am writing on behalf of the Little Traverse Bay Bands of Odawa Indians (LTBB) Environmental Services Department (ESD) to express the LTBB ESD's concerns with the proposed Permit to Install #166-09 Frontier Renewable Resources wood to ethanol biorefinery in Kinross, Michigan.

The LTBB ESD requests that the MDNRE Air Quality Division deny the current permit to install due to the potential natural resource impacts resulting from permitted activities. The scope and magnitude of air, water, forest, and other environmental impacts posed by Frontier Renewable Resources distinguish the proposed facility as requiring a comprehensive environmental review prior to individual permitting actions, such as the current Air Quality Division PTI #166-09, as established under Michigan's Natural Resources and Environmental Protection Act. The LTBB ESD requests that the MDNRE investigate and disclose the full range of environmental impacts associated with the proposed Frontier Renewable Resources operation on the shared air, water, and forest resources of the federally-recognized Tribes in Michigan and the State of Michigan.

Frontier Renewable Resources is proposing to build one of the first commercial scale wood-to-ethanol facilities in the United States. There is no existing emission dataset available for many of the processes included in PTI 166-09. Emission data from corn ethanol production has been used in lieu of missing emission data, yet many of the processes and materials in Frontier's plan are very different from those used in corn to ethanol plants. There is inadequate information for permitting this commercial scale facility, where large quantities of criteria and hazardous air pollutant emissions are expected, yet incalculable.

The Frontier Renewable Resources facility is proposed to be located within the northern range of the 1836 Treaty of Washington ceded territory. Through the 1836 Treaty of Washington, the ancestors of five federally-recognized Tribes in Michigan ceded over thirteen million acres of land to the United States government, while reserving the rights of occupancy and responsibilities to manage the natural resources within the ceded territory. The forest, water, and air resource uses proposed by Frontier Renewable Resources threaten the health and resilience of the 1836 Treaty ceded territory and the exercise of treaty-reserved rights of LTBB citizens.

A major concern of the LTBB ESD is the 150 mile radius from which Frontier is planning to extract hardwood resources for years to come, with a proposed average of 2,800 green tons of

hardwood resources consumed daily; this 150 mile radius covers a significant portion of Northern Michigan and closely aligns with the boundaries of the 1836 Treaty Ceded Territory. The LTBB maintains rights and responsibilities over much of the forest resources that Frontier Renewable Resources plans to use at the proposed facility. The magnitude of proposed forest use by Frontier would limit the ability of Northern Michigan forests to store carbon, and studies have shown a link between forest degradation/deforestation and increased greenhouse gas emissions.

Prior to 2007, based on Frontier Renewable Resources' proposed emissions of 101 tons per year (tpy) of nitrogen oxides, 132 tpy of carbon monoxide, and 119 tpy of volatile organic compounds, the facility would have been classified as a major stationary source of criteria pollutants under Prevention of Significant Deterioration (PSD) regulations. Although Frontier seems to be in compliance with the post-2007 regulations, the LTBB ESD is extremely concerned with the criteria, hazardous air, and toxic air pollutant emissions allowed in the permit to install.

If Frontier is to be granted approval of a permit to install, the LTBB ESD would like to see the following actions/recommendations be requested of Frontier to further minimize any negative environmental impacts:

- The LTBB ESD would like Frontier to provide more detailed information on the six boilers that form a "nested" PSD minor stationary source. Since the projected emissions rate of 95 tpy of carbon monoxide is only 5 tpy below the threshold of a major source (100 tpy), the LTBB ESD is concerned that the PSD major source threshold could be exceeded.

- Similarly, the LTBB ESD would like more detailed information on how Frontier plans to maintain compliance with toxic air contaminant allowable emission rates, since estimates show 1,1,2,2-tetrachloroethane at 90% of the allowable monthly rate.

- The LTBB ESD would like further clarification on the annual acrolein impact from dispersion modeling. It is understood that acrolein testing is not included in the monitoring requirements due to the test detection limit being higher than the expected emission concentrations. However, the assumption that actual acrolein emissions "should be" lower than estimates based on VOC and acetaldehyde emissions testing needs further explanation.

- The LTBB ESD would request that the evaporators used in solids separation employ controls to reduce criteria and hazardous air pollutant emissions from residual contamination in the solids and water.

- The LTBB ESD would also request that the MDNRE Air Quality Division require controls for VOCs on EUDRYER. The uncertainty in emissions estimation from this source requires caution, in light of the magnitude of planned use and subsequent potential for emissions.

- The LTBB ESD would also request the MDNRE Air Quality Division require baghouses on the lignin storage building, wood chippers, and processing center.

In addition, the possible expansion of the Frontier Renewable Resources facility to 80 million gallons of ethanol per year and placement of a co-generation facility were included in the Frontier Renewable Resources site plan (EvalForm Memo Fields for 166-09). This possible expansion would double the size of Frontier's operation and most likely make Frontier Renewable Resources a major source. Frontier's current pursuit of a PSD minor air permit with this doubling expansion in mind may be an effort in circumventing the Prevention of Significant Deterioration process, a violation of the PSD provisions of the Clean Air Act. The LTBB ESD requests that the MDNRE Air Quality Division and US EPA Region V investigate this issue to ensure that the PSD provisions of the Clean Air Act are rightfully observed.

Furthermore, the Little Traverse Bay Bands of Odawa Indians Environmental Services Department requests that the MDNRE deny the current air permit to install, conduct a comprehensive assessment of the impacts of the proposed facility, and share that information with the federally-recognized Tribes in Michigan. The MDNRE Air Quality Division may not have the authority to directly regulate water, forest, and other natural resource uses; however, MDNRE does have the authority to assess air, water, *and* forest resource impacts from the proposed facility and to make permitting decisions informed by such an environmental impact review.

The Little Traverse Bay Bands of Odawa Indians Environmental Services Department seeks to work cooperatively with the State of Michigan Department of Natural Resources and Environment in ensuring the health and strength of our shared natural resources.

Sincerely,



Michael Holmes
Air Quality Specialist
Environmental Services Department
Little Traverse Bay Bands of Odawa Indians
7500 Odawa Circle
Harbor Springs, MI 49740
(231) 242-1573



Rachel Smolinski
Environmental Services Director
Environmental Services Department
Little Traverse Bay Bands of Odawa Indians
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