



The Upper Peninsula *Environment*

Newsletter of the Upper Peninsula Environmental Coalition • September-October 1992

Sylvania foes trigger IRS audit of UPEC

In early October, UPEC underwent an audit by the Internal Revenue Service—the first in our 16-year history. An IRS accountant came up from Detroit and spent two and a half days looking over our finances, newsletters, meeting minutes, position papers, correspondence files, and so on. UPEC members Lisa Wallace (this year's treasurer) and Dave Harmon were the liaisons during the audit.

You may believe that getting audited by the IRS is a purely random occurrence. Not so. After some persistent questioning, Wallace and Harmon got the accountant to reveal that the audit was triggered by a letter of complaint by someone who opposes our appeal of the Forest Service decision to allow motors of unlimited horsepower to damage the auditory environment of the Sylvania wilderness area. According to the accountant, the identity of the person (or persons) who filed the complaint are kept confidential.

While all of UPEC's records for the last four years were examined, the audit was primarily an "activity audit" rather than a financial one. This means the IRS is checking our activities to see whether we comply with the law and IRS regulations with regard to political action and lobbying. The auditor was particularly interested in the specifics of our intervention in the Sylvania controversy, and in the details of the Sylvania Defense Fund we launched last year.

In the lingo of the IRS, UPEC is a 501(c)(3) non-profit organization. This means our activities must be primarily educational, with a minimal amount of direct political action involved. As the IRS auditor told us, the kind of activities UPEC does—such as working on specific issues—is a gray area of the regulations. The 501(c)(3) status also makes us tax-exempt and allows your dues and contributions to be tax-deductible.

UPEC believes that our activities are clearly within the bounds of what 501(c)(3) organizations are allowed to do. We have scrupulously avoided extensive direct lobbying of politicians, and have never endorsed (or even appeared to endorse) any candidate for office. We have never provided our membership with a form letter to mail in on an issue. We have published nonpartisan, unedited, verbatim polls of candidates' positions on environmental issues, hosted many public meetings on issues, and published informational reports and other material. We believe that enunciating positions on issues, and trying to influence agency activity (as opposed to legislation), does not constitute lobbying—

certainly not in the same sense that political action committees or industry lobbyists do it. In short, we believe that our actions have a definite educational value.

Of course, the IRS may not agree. One possible outcome is some sort of warning included in their official audit report. It is also possible that the IRS will try to revoke our 501(c)(3) status. They should have a preliminary decision by the end of November. If it is not favorable, we have the right to appeal it. We will update you in the next newsletter.

Upcoming UPEC meetings

November 9: UPEC Board meeting—all members & friends welcome! L'Anse Township Hall, L'Anse, 7 pm ET. **November 9:** UPEC Houghton Group meeting, Portage Lake United Church, Houghton, 7 pm ET.

December 14: UPEC Houghton Group meeting, Portage Lake United Church, Houghton, 7 pm ET.

Volunteers needed to help shape future of U.P. rivers

On March 3, 1992, the U.S. Congress passed the Michigan Scenic Rivers Act, designating fourteen Michigan rivers for inclusion in the National Wild and Scenic Rivers System. The act established eleven other river segments as Study Rivers for possible future inclusion. Under the legislation, the U.S. Forest Service, in conjunction with the DNR, is required to set up a ten-member study committee for each Study River. Two members on each committee are to be appointed from state and local conservation and environmental organizations.

The Study Rivers in the Upper Peninsula are:

- Carp
- Sturgeon (Hiawatha National Forest)
- Tahquamegon (East Branch)
- Whitefish (East Branch)

- Brule
- Ontonagon (West Branch)
- Ontonagon (South Branch)
- Paint
- Net (Mainstem)
- Net, (East Branch)
- Net (West Branch)
- Presque Isle
- Sturgeon (Ottawa National Forest)

Serving on a committee will involve a time commitment of two days per month for one or two years. The committees will serve as advisory bodies, making recommendations to the Secretary of Agriculture on future inclusion of the Study Rivers in the National Wild and Scenic River System. Inclusion will keep the rivers free of impoundments, with shorelines and watersheds largely undeveloped. For rivers receiving a classification of wild as well as scenic, land access will be by trail only, with the shoreline and watershed kept primitive.

UPEC already has commitments for the Sturgeon (Ottawa) and the Whitefish. However, each committee position will have an alternate. If you would like to serve on a committee, please contact Kraig Klungness in Houghton as soon as possible at 482-4364; or drop a note to Kraig at P.O. Box 112, Houghton 49931. We have received an unexpectedly early deadline of October 19 for submission of nominations, although we have been told that nominations would still be given consideration for a short period after the 19th.

UP for ZD T's: Buy 1, 2, or 3 ASAP!

Show your support for Zero Discharge while donating to UPEC and get a ZD T-shirt! These pearl-grey shirts, with a four-color design by the Marquette artists Patrick St. Germaine, depict the Native American symbol for the spirit of Lake Superior. They boldly state "Upper Peninsula for Zero Discharge"! It is really a striking design. Shirts in medium, large, and extra-large sizes are available in both short-sleeve (\$15 donation) or long (\$17). To order yours, call Dave Bach in the Houghton area at 482-0958 or Joanne Welsh in Marquette at 228-7738.

News & Notes

Skandia burner nixed The grassroots group Keep Skandia Clean proved the muscle of a well-organized local citizenry when their actions convinced the Marquette County Planning Commission to cancel a proposal for a contaminated-soil incinerator near Skandia. The Commission reversed its previous OK of the project. By all accounts, Keep Skandia Clean got up to speed on the soil-burning issue and the overwhelming opposition it presented

was instrumental in getting the Commission to reverse itself.

DNR joins Copper Range suit The DNR recently announced it will join the air-quality lawsuit against the Copper Range smelter at White Pine. The smelter, which the EPA has identified as the worst toxic polluter in Michigan, is being sued by the National Wildlife Federation and Michigan United Conservation Clubs to comply with environmental laws. In mid-October Copper Range claimed its emissions are within the legal limits. A 1990 smokestack analysis showed the smelter emitting high quantities of several toxic heavy metals.

Big money for binational plan In October Levin announced that \$900,000 will be made available for research on Lake Superior as part of the binational cleanup plan announced at the IJC meeting last year.

Old-growth slide show needs funds Donations are needed to complete a slide show which focuses on remaining stands of old-growth timber and the current destructive trend of forestry practices in the Upper Peninsula. The project employs on-ground and aerial photography and is approximately 75% completed. Funds will be used for equipment, transportation, brochures, and labor. The slide show will be used as a tool to educate the public and legislative officials and to facilitate change in forestry practices on federal, state, and Commercial Forest Reserve lands. Checks can be made to UPEC and sent to the Houghton box (please note "old-growth slide show" on the check). Inquiries about the project can be made to Doug Cornett in Marquette at 228-4518.

Peregrine report released Pictured Rocks National Lakeshore has published the second in its series of *Resource Reports*, this one on "Peregrine Falcon Re-establishment Efforts" in the park. Copies are available at the Lakeshore's info center in downtown Munising, or by writing the park at P.O. Box 40, Munising 49862. Future reports will cover the Lakeshore's economic impact on the area, shoreline dynamics, skier surveys, and a survey of visitors to Great Lakes lighthouses.

MEPA symposium held In September, Nisula attorney Evan Dixon, a UPEC member, held a symposium on the Michigan Environmental Protection Act in L'Anse. This law, on the books for some twenty-odd years, is potentially a powerful tool for citizens to fight environmentally damaging projects, but it seems to be little used by activists. A number of people attended the symposium, and now we have some background on MEPA which could stand us in good stead down the road.

Take Back the Earth Workshop The UPEC Board is planning a Take Back the Earth Workshop, in which U.P. enviro groups will get together and share successful strategies, for sometime next spring, probably in Marquette. Watch the *Environment* for further details.

Lake Superior Alliance meeting UPEC had several members in attendance at the fall LSA meeting in Superior, Wisconsin, in early October. The theme of the meeting was sustainable development in our region. The LSA also produced a report card on progress on the Lake Superior binational program. The LSA has begun producing a newsletter called *Superior Vision*. For more info on the LSA, contact Gayle Coyer of the National Wildlife Federation in Ann Arbor at 313-769-3351.

DNR sets up Trash Team The U.P. is on the cutting edge of DNR efforts to reduce illegal trash dumping. The agency has set up a U.P.-wide Trash Team to educate people about dumping and clean up illegal dumps. One of the catalysts for getting the Trash Team off the ground is UPEC member John Manty of Atlantic Mine. On October 19, the Trash Team will meet in St. Ignace with downstate groups to extend the Team statewide.

AWAKE bids for EIS AWAKE presented its case for an environmental impact statement on the proposed Gratiot Lake copper mine to the DNR at a meeting on September 3. Twelve speakers addressed the DNR representatives, who said that the material was very impressive but that the outlook for ordering an EIS is uncertain. However, the environmental review that Great Lakes Minerals is already doing will be made more extensive as a result of AWAKE's presentation. (An environmental review is much less thorough than a full-blown EIS.) GLM also recently announced that it plans to use the mill at Centennial (in northern Houghton County) to process its ore, and dump the tailings in the existing basin there.

EPA unveils plans for Cannelton Industries Superfund site; goes ahead with Torch Lake clean-up

In July EPA proposed its plan for cleaning up the 75-acre Cannelton Industries Superfund site in Sault Ste. Marie. The site, adjacent to the St. Marys River, was a tannery from 1900 to 1958, and its wastes were discharged without treatment right into the river. Solid wastes were dumped along the St. Marys and burned. This caused contamination of soils, groundwater, sediment, and surface water. Chromium is the most widespread contaminant, with a maximum concentration of 328,000 parts per million. Other heavy metals had lower maximum concentrations: arsenic (3,600 ppm), lead (10,100 ppm), mercury (25 ppm), cadmium (341 ppm), and barium (10,300 ppm). Moreover, polynuclear aromatic hydrocarbons (PAHs) were also found in soil samples and the surface of the ground.

EPA found that groundwater and surface water were not highly affected by the tannery operations, yet their risk assessment for human health factors showed excessive cancer risks are being run by people who use groundwater affected by the site. The EPA also found unacceptable cancer risks to people who come into direct contact with contaminated soils at the site or who breathe airborne contaminants.

EPA is proposing to spend some \$14 million to clean up by building a landfill at the site for the contaminated debris, waste, soils and sediment; removing contaminated groundwater from the site and treating it elsewhere before disposal; preserving the site's wetlands, and allowing contaminated sediments in the St. Marys River to be covered by sand naturally deposited by currents.

In October, EPA announced that it will go ahead with most of its clean-up plan for parts of the Torch Lake

Superfund site in Houghton County. EPA's decision flew in the face of intense criticism from local officials, who wanted the agency to do nothing at all. UPEC mounted a letter-writing campaign to support EPA during the public comment period. The plan includes covering up toxic waste sands left over from decades of copper milling. Plans for a third portion of the Superfund site, comprising contaminated sediments at the bottom of Torch Lake, have yet to be announced.

SLAPP fund clears \$2,000

Thanks go out to all of you who contributed to the AWAKE legal defense fund. So far you've raised \$2,125 to benefit the members of AWAKE who have been SLAPPed by Great Lakes Minerals with a lawsuit which aims to quell their opposition to GLM's proposed copper mine at Gratiot Lake. This Strategic Lawsuit Against Public Participation was filed earlier this year, and the first court date is coming up. If you'd like to help AWAKE, make a check out to UPEC but mark it "AWAKE legal defense fund." All defense funds are being disbursed directly to AWAKE's legal counsel.

Grand Island draft EIS released for review

In 1990, Grand Island, just offshore from Munising in Lake Superior, was acquired and designated a National Recreation Area under management of the Hiawatha National Forest. Since then, Forest Service planners, in conjunction with interested citizens and the Grand Island Advisory Commission, have been concocting and reviewing numerous possible management plans for this natural and cultural treasure. UPEC members have participated in this process by taking a Forest Service guided overnight field trip to the island and submitting comments about our "vision" of what we would like Grand Island to be as an NRA. The draft environmental impact statement (EIS) is the culmination of this process to date, and presents eight management alternatives, including the one preferred by the Forest Service, which, planners claim, has "something for everyone."

The Forest Service has chosen the "Teal" alternative (each one was given a color), which they define as "staged development. The Forest Service summary of this alternative is as follows:

Access to the island would be provided by a passenger ferry and barges or tugs. A dock, available for overnight use, would be built at Murray Bay. Visitors would travel the island on a public transportation system. When the transportation system is not running, people could rent "quiet vehicles" and use private vehicles under permit. Foot traffic and bicycles would be allowed along the island perimeter north of Echo Lake, with foot travel only in the Thumb. Campsites would be created, and primitive cabins made available for rent. Two interpretive/wildlife platforms and 5-10 scenic overlooks would be built. Over 300 acres would be kept cleared of trees for wildlife openings. The Forest Service would also manage for big trees, beaver habitat, and thermal cover needs for wildlife. A lodge, restau-

Yes! I want to protect the U.P.!

Name _____

Address/Zip/Phone _____

I want to protect the U.P. by joining UPEC. My annual dues are enclosed (check one):

Regular Member (\$10) Senior Citizen/Student/Low-Income (\$5),

Here's an extra contribution of \$ _____

Please send my non-profit group information about organizational membership. Annual dues for organizations are \$15.

Dues & contributions are tax-deductible. Send to: UPEC, P.O. Box 34, Houghton, MI 49931.

rant, overnight docking facility, store, and amphitheater would be built.

According to the Forest Service, the effects of this staged development would be that visitors would experience solitude north of Echo Lake and in the Thumb. They admit, however, that all the development they propose means a loss of solitude compared with current conditions. Visitors would have the convenience of public transportation around most of the island. There is the possibility that the off-island visual quality objective and views from Pictured Rocks National Lakeshore would be more difficult to meet because developments in the southern portion of Murray Bay and in the Williams Landing area could be visible from the western portion of the Lakeshore and from the water south of the island. However, developments in this area would be built near existing structures.

The large amount of development could have an effect on cultural resources. This alternative poses more threat than the current condition but not as much as in some of the other alternatives presented.

Hardwoods would dominate 75% of the forest. In the long term, according to the Forest Service, this alternative would provide for the greatest variety of plants on Grand Island. Maintaining existing vegetative communities along some roads would provide additional potential habitat for several rare plants and birds. However, the anticipated levels of traffic in this alternative may affect these species.

**COMMENTS ON THE DRAFT EIS
MUST BE SUBMITTED BY DECEMBER 9TH!**
You can get a summary sheet of the alternatives, or the entire 250-page draft EIS, free for the asking. Write or call: Teresa Chase, Munising Ranger District, Hiawatha National Forest, 400 E. Munising Ave., Munising 49862; (906) 387-2512.

—Dave Bach

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