

Spring 2008



Spring runoff on the Silver River  
Photo courtesy of  
Joyce Koskenmaki

Upper Peninsula Environmental Coalition

**U.P. Environment**

## From the Vice-President's Desk:

### UPPCO Basin Development Update

UPEC has filed a twelve pages Motion to Intervene in opposition to the Upper Peninsula Power Company's Shoreline Management Plans (SMPs) filed with the Federal Energy Regulatory Commission (FERC). If we are granted intervener status, any other party filing a motion in the case will be required to serve us with a copy. We then would have the option of filing a motion, seeking a rehearing or asking for a judicial review of FERC's decision in the case.

The SMPs provide for the development of the shorelines of five relatively pristine basins located in the Upper Peninsula by granting easements to purchasers of lots bordering the basin buffer zones. The developments would include Bond Falls, Prickett, AuTrain, Cataract and Boney Falls basins. A sixth basin, Victoria, was withdrawn from UPPCO's final development plans.

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## Join Us For our Annual Spring Meeting!

We'll be gathering once more for our annual spring meeting and special presentation on Saturday, April 19, at the Women's Federated Clubhouse at 104 W. Ridge St. in Marquette, MI. As always, the presentation will focus on an issue with broad implications not only for the U.P. but the rest of the state as well. This year's topic is

### **"Facing Mining: What Rights Do Citizens and Landowners Have?"**

On hand for the discussion will be critical players in the ongoing sulfide mining battle, National Wildlife Federation attorneys Michelle Halley and Jane Reyer, as well as "Citizen Lawyer," Scott Bouma. The event will kick off with the quarterly board of directors meeting at 3 p.m., followed by wine and snacks at 6:30, with the presentation at 7 p.m. This is the first of two planned UPEC forums on "The Law and the Environment." The date of the 2nd forum has yet to be set.



Cartoon by Wm. J. Krupinski  
Used with permission of Save the Wild UP

## **Don't forget those Econo Foods Slips!**

Thanks to you and Econo Foods, UPEC has earned several hundred dollars over the past few years by submitting grocery receipts from the store collected by UPEC members. That amount represents 1% of total gross receipts from all the slips.

That may not seem like a lot, but when you're a non-profit organization every little bit helps. Of course, that amount could be even higher this year if more of you were to save your slips and send them to us!

Either save them throughout the year and mail them off to us before the end of May, or simply hand them to a UPEC board member when you attend a meeting—whichever is most convenient. It's one of the easier ways you can offer your support.

## **About UPEC...**

The Upper Peninsula Environmental Coalition has a 30-year track record of protecting and seeking to maintain the unique environmental qualities of the U.P. through public education and watchful monitoring of industry and government.

UPEC seeks common ground with diverse individuals and organizations in order to promote sound planning and management decisions for all the region's natural resources.

Our newsletter, the *U.P. Environment*, is published four times a year.

You can send your comments or contributions to UPEC by standard mail at P.O. Box 673, Houghton, MI 49931, or e-mail us from our website at [upenvironment.org](http://upenvironment.org).



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(UPPCO Development continued from page 1)

The SMP easements would allow lot owners to install docks up to 150 feet in length in the water; clear "view" corridors so they can see the lakes from their homes; and construct trails in the buffer zones that could be used for motorized access.

The plans also call for public access paths up to six feet in width to be constructed in the buffer zones. These trails could be utilized by snowmobiles in the winter, motorized vehicles for dropping off and picking up boating supplies at the shoreline, or for other purposes according to provisions in the SMPs. The provisions allowing motorized access were placed in the prohibited activities section of the SMPs, although the convoluted wording of this particular section may have confused some readers on that point.

The intensity of the proposed development and the provisions allowing motorized access would substantially change the character of these relatively natural lakes and are in conflict with the purpose for which the buffer zones were established.

An impressive number of comments and protests were sent to FERC, along with about fifty motions to intervene.



Kayaking Cataract Basin  
Photo courtesy of Bill Malmsten

By far, the majority of the submissions were in opposition to the development plans. Our thanks goes out to all of you who took action. It would be difficult to imagine FERC approving the SMPs in the face of such tremendous opposition.

In an interesting turn of events, on February 25, 2008, the developer, Natterra Land, Inc., filed a Federal lawsuit alleging fraud, breach of contract, and breach of duty of good faith and fair dealing on the part of UPPCO.

According to the suit, Natterra originally agreed to pay \$8.9 million for parcels at Bond Falls, Boney Falls and Cataract Basins, but that amount was reduced to \$5.9 million, subject to the approval of local zoning and subdivision plans. Natterra alleges that they were unaware that there would be any difficulty in providing the buffer zone easements that they would need to successfully develop the property. Natterra states that "...it was clear the Defendants' [UPPCO's] representatives' material pre-closing representations regarding the status of the necessary easements and License approvals required for the development of the lakeshore property were false."

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Picture of the burned shelter trail shortly after last summer's fire  
Photo courtesy of Doug Welker

## A Pre-board Meeting Adventure/Along the Sturgeon River

On the January morning of UPEC's first board meeting of the year, 12 hardy souls, almost all from UPEC and/or the Peter Wolfe Chapter of the North Country Trail Association, met first on Plains Road northwest of Covington for a trip along the North Country Trail (NCT) to Tibbets Falls and the Oren Krumm Shelter.

On reaching the river, we were greeted by a nearly ice-covered stream. Even Tibbets Falls, a series of tilted slate ledges where the river drops a total of about 40 feet over the space of several hundred feet, was largely frozen. As we continued downriver, we found layers of ice that had been thrust up over other layers, sometimes at odd angles, thanks to some previous thaw and greater water flow.

About a quarter mile before the Oren Krumm Shelter, we started to notice some burned or partially burned trees, the result of spot fires started by windborne burning material from the main portion of the Baraga Bump Fire of April 2007 (see the Fall 2007 edition of *The Environment*—Ed) That fire burned over two square miles, and even jumped the Sturgeon River in a couple of spots. Only as we approached the shelter area did we see evidence of a continuous burn. Whole trees were scorched, as was most of the undergrowth.

One purpose of our hike was to observe the aftereffects of the fire. One effect was to create dead and dying trees that were invaded by insects and diseases. That provided optimal habitat for the uncommon black-backed woodpecker. Several dozen have been reported in the burn area this winter, and we were fortunate enough to see one feeding on a tree along the side trail to the shelter. For everyone but me, it was their first sighting of this fascinating species.

The original shelter had been built nearly ten years ago as a memorial to Oren Krumm, a Michigan Tech student and outdoors-lover who had died suddenly of a rare disease. That original shelter burned in the Baraga Bump Fire, and was rebuilt in the summer of 2007 by friends and relatives of Oren and by members of the Peter Wolfe Chapter. It's a lean-to with two double bunks and a screened-in front with screen door. Nearby is an outhouse, fire ring with benches, and a view of the river – a great spot to visit or spend the night.

This hike is one of the nicest on the NCT in the western U.P. with the river, falls, shelter, and varied vegetation and wildlife. The fire impact currently provides an added element of interest. Along the NCT west of the shelter, large areas were totally burned, leaving stark, blackened pines and spruce. However, emerging life even now can be observed. Aspen sprouts have already grown six feet high or more. Ground level vegetation is re-establishing itself. And, of course, there are the black-backed woodpeckers. This area will remain a great place for lessons in post-fire ecology for many years. Very obvious changes from year to year will be evident for several years. The black-backs, though, may not be very abundant after 2008, so come see them this year!

(continued on page 11)





Trail volunteers at work  
Photo courtesy of Doug Welker

## **Peter Wolfe Chapter of the North Country Trail Association Announces Trail Adoption Program**

Ever thought of having a special, wild place of your own, a place you love to come back to because you made it better and where you know that others have appreciated your efforts?

Then why not consider adopting a segment of the North Country National Scenic Trail (NCT) in the western U.P.?

The Peter Wolfe Chapter of NCTA is happy to announce it is initiating a trail adoption program. Volunteers are invited to adopt one or more segments of the NCT. You can do everything from an annual walkthrough, documenting trail conditions and time spent, to removing deadfalls, pruning, running a brush mower, leveling trail on-side slopes, and promoting their particular section of trail. You may also request other volunteers to help by coming in and doing tasks that you may not have the time or the ability to do yourself. There are trail segments and tasks for individuals of all abilities. Here is a chance to find yourself a special place to call your own, to really make a difference, and to get some great exercise all at the same time. And you're more than welcome to invite friends or the chapter to join you for hikes or to work on your trail segment, as well.

Laura Bulleit is our Trail Adoption Coordinator so contact her ([bulleit@up.net](mailto:bulleit@up.net)) if you are looking for a segment to adopt. She will be keeping records on who has adopted each segment of the trail, the results of monitoring / trail work reports, and the number of hours worked. If you need more detailed info on a particular trail segment than Laura can provide, I have hiked the entire trail in the western U.P. and am VERY familiar with it, so, contact me at [dwelker@up.net](mailto:dwelker@up.net) or 906-338-2680 ).

The chapter has made it easy to help you decide whether or not adoption is right for you—or even which section to adopt. You can find a trail adoption Q +A document is online at [http://www.northcountrytrail.org/pwf/trail\\_adoption\\_segments/trailadoptionquanda.doc](http://www.northcountrytrail.org/pwf/trail_adoption_segments/trailadoptionquanda.doc). Maps and trail segment descriptions are online at [http://www.northcountrytrail.org/pwf/trail\\_adoption\\_segments/linkstosegmentspreadsheets.doc](http://www.northcountrytrail.org/pwf/trail_adoption_segments/linkstosegmentspreadsheets.doc).

We are planning trail adoption training for this spring through fall, as well as written monitoring and reporting instructions. Check in with any one of the above sources for specific information on training dates and places.

- Doug Welker, UPEC and NCT Board Member

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## A Plea for Sustainability

UPEC's mission historically has been to protect and maintain the unique environmental qualities of the Upper Peninsula by educating the public and acting as a watchdog to industry and government.

As environmentalists, we must, however, realize that the very dynamic of environmental activism is changing in these new, challenging times. The dynamic is no longer as simple as dealing with an "end-of-pipe, single point discharge" as in that era when we were able to resolve the problems by raising awareness of the local public and by petitioning the applicable regulatory agency.



The new dynamic now threatens environmental quality, along with human health and quality of life, involves pervasive global forces like climate change, the end of cheap fossil-based energy, a shaky world economy, finite resources, food scarcity, loss of species, loss of diversity and loss of pollinators like honeybees.

With the price of gasoline recently hitting \$3.49 a gallon, I think this is a wake-up call for harder times ahead. Not only will the cost of commuting to work increase, but so will the cost of food, clothing, home heating and other necessities.

The trends and effects of these forces are becoming more and more evident by the day. My plea is that we must begin addressing more directly the issue of community sustainability more forcefully, more systematically. We must begin finding ways to "strengthen our communities!"

I acknowledge that many of us as environmentalists, both individually and as members of this activist organization, have already engaged in numerous ways to reduce our carbon footprints, to recycle more, to consume less. But I argue that while all these personal efforts are important, they are not enough to ensure long-term sustainability for our communities as a whole.

Thus I'm making this plea to both the membership and particularly to the UPEC board of directors to identify its niche in this new agenda for environmental organizations: community sustainability.

Over the past several years, Keweenaw Sustainability Project has made a start to raise awareness for the need for individuals, households, businesses and units of government to begin planning for a very different and uncertain future. However, much more needs to be done by many more.

-Vern Simula, UPEC Member

## Coaster Brook Trout—Endangered Species?

The coaster brook trout is unique on several levels. Although it is classified as a “brookie,” it takes its name from its preferred habitat—the shores along Lake Superior and the streams that feed into it. Once an abundant presence in the greatest of the Great Lakes, the coaster trout population took a major hit during the logging era when cuttings clogged streams with sediment where the fish once went to reproduce. The impressive trout, which can grow to more than two feet in length, declined further due to over-fishing and the gluttonous appetite of the invading sea lamprey. Its habitat kept shrinking until, finally, the coaster now calls only one Michigan stream home—the Salmon Trout River, the same river which Kennecott proposes to mine beneath on the Yellow Dog Plains.

That concern was the basis of a petition submitted by the Michigan Chapter of the Sierra Club, Marvin Robinson, their forest policy specialist, and the Huron Mountain Club to the U.S Fish and Wildlife Service (USFWS) to declare the coaster an endangered species. And on March 28, the USFWS issued its 90 day finding on that petition. In its announcement, the Wildlife Service noted that it had found “substantial scientific or commercial information” in the petition “indicating that listing the U.S population of coaster brook trout may be warranted.” Now the USFWS will be accepting comments on that request through **May 19, 2008**. The agency further notes that any requests for public hearing must be submitted to them no later than May 5. Following this status review, the USFWS will issue its final 12-month finding on the petition.

The federal agency notes that comments on this issue should be related to

1. the species’ historical and current population status, distribution, and trends; its biology and ecology’ and habitat selection;
2. the effects of potential threat factors that are the basis for a listing determination under section 4(a) of the Act, which are
  - (a) the present or threatened destruction , modification, or curtailment of he species’ habitat or range;
  - (b) over-utilization for commercial, recreational, scientific, or educational purposes;
  - (c) disease or predation;
  - (d) the inadequacy of existing regulatory mechanisms; or
  - (e) other natural or manmade factors affecting its continued existence.

Comments may be made online at [www.regulations.gov](http://www.regulations.gov) or hand delivered or mailed to

Public Comments Processing  
Attn: FWS-R3-ES-2008-0030,  
Division of Policy and Directives Management  
U.S. Fish and Wildlife Service  
4401 N. Fairfax Dr., Suite 101  
East Lansing, MI 48823-6316

Phone recommendations can be made at (517) 351-8470, and faxes can be sent to (517) 351-1443.

-Editor

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*(UPPCO Development continued from Page 3)*

The lawsuit document seems to confirm what development opponents had previously suspected, that UPPCO would gain an additional three million dollars if they were successful in providing for the development of the basin shorelines. This financial interest helps to explain the approach that UPPCO has used to try to drive the development plans through.

We are waiting for a decision from FERC on the UPPCO basin development plans. We are not sure what impact the Naterra lawsuit will have on the fate of the basins, but we will be watching with interest.

Although the official comment period has ended, FERC is continuing to accept comments until a decision is reached. Comments may be sent to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, DHAC, PJ-12.1, 888 First Street, N.E. Washington, DC 20426

Letters should include the words COMMENTS OR PROTEST at the top and must include the project numbers for the basins you are writing about as follows: 10854-080 (Cataract), 2402-108 (Prickett), 1864-083 (Bond/Victoria), 10856-061 (AuTrain), and 2406-144 (Boney Falls).

-William Malmsten, UPEC Vice-President

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### **UPEC Joins the Hydropower Reform Coalition**

The Upper Peninsula Environmental Coalition has joined the Hydropower Reform Coalition (HRC). The HRC describes itself as a national coalition of more than 140 national, regional, and local organizations “dedicated to protecting and restoring rivers that have been altered by hydropower dams.”

Fourteen members of the organization form the steering committee, including some members of the Michigan Hydro Relicensing Coalition. As a member of the HRC, we will receive information on any projects in our area. We will also be eligible to receive advice and assistance on local projects from the experts in their organization.

We have already received assistance from the HRC on our Motion to Intervene in the UPPCO shoreline management plans (read the complete story starting on page 1- Ed). There is no cost to UPEC for membership in the HRC. For more information on about the HRC, you can go their web site at [www.hydroreform.org](http://www.hydroreform.org).

- Wm. Malmsten, UPEC V.P.



## Help Protect the Huron River Watershed in Baraga County

Straiter  
edge

(The first official meeting of the Huron River Watershed Partnership (HRWP), a coalition of state and local agency representatives and corporate and conservation representatives and stakeholders, took place in Alberta on February 21, 2008. The proposed mission statement "...is to cultivate sustained stakeholder involvement with the protection, education and enhancement of Lake Superior's Huron River. In partnership with landowners, interested citizens, government agencies and private enterprise, we work to foster education, understanding, (and) sustainable land management along with ecosystem and water quality restoration and conservation.")

With the current financial crisis, state and federal agencies are increasingly relying on volunteers to assist with important projects. Here, along with the trail adoption opportunities mentioned in the article in this issue dealing with the North Country Trail (see page 5), is another fun and beneficial volunteer opportunity in the western U.P.

Volunteers are needed to conduct stream survey tasks at each of 24 sites on the river. Typically, volunteers will choose one survey site. Access to sites ranges from easy to difficult, depending on the site. Experience is welcome but not necessary, and survey kits and training will be provided by DNR Fisheries Technician Bill Wellenkamp sometime in late April. The surveys will be conducted any day between July 7 and August 8 and repeated annually. For more information please contact DNR Fisheries Supervisor, George Madison <[madisong@michigan.gov](mailto:madisong@michigan.gov)> or Bill Wellenkamp <[WELLENKW@michigan.gov](mailto:WELLENKW@michigan.gov)>.

This is a good excuse to get out in the woods and do something to benefit local ecosystems, as well as those who enjoy fishing the river and exploring the area.

Submitted by Catherine Andrews, UPEC member and  
Copper Country Audubon Society representative to the HRWP

## Plant Society Plans Hikes

The North Woods Native Plant Society hosts hikes into northwoods ecosystems for folks interested in learning more about native plants. These hikes are free and feature an experienced guide. Most are suitable for young people over age 12.

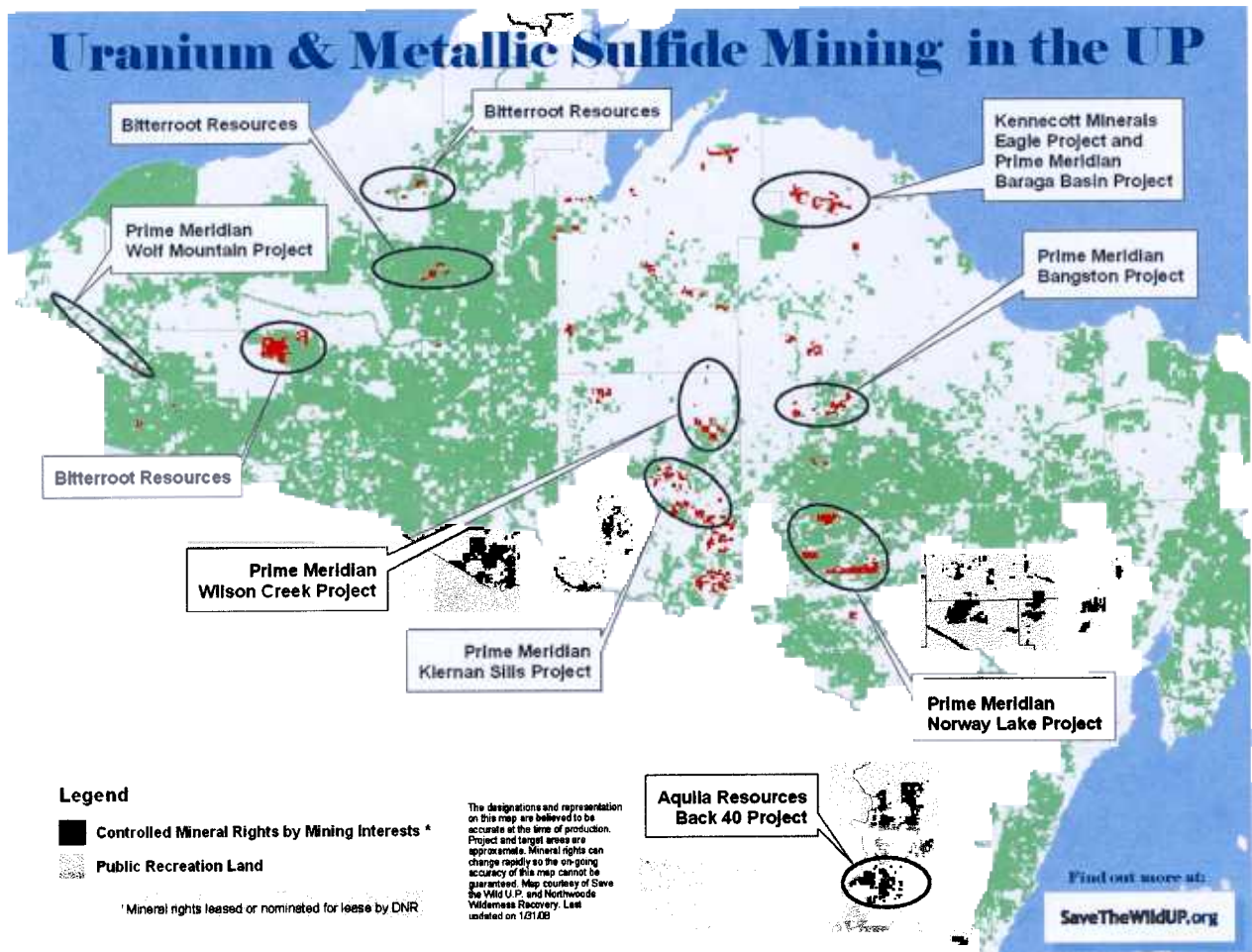
**May 24** Upson Lake near Hurley, WI, with Colleen Matula - A family trip with natural history - younger hikers welcome

**June 28** Water-loving plants at County Line Lake & Opal Lake Bog (near Watersmeet, MI) guided by Sue Trull & Doug Welker, with cookout/potluck afterward

**July 12** Rice Creek State Natural Area near Boulder Junction, WI, with Rod Sharka & Quita Sheehan

For more information, email Sherry Zoars at <[thezoars@excite.com](mailto:thezoars@excite.com)> or call 906-358-1110.

-Sherry Zoars, UPEC Board Member



The most recent map of proposed U.P. mining sites  
Reprinted with permission by Save The Wild UP

## Where Things Stand Now

In December the Michigan Department of Natural Resources removed the last stumbling block to Kennecott's mining application when it approved the lease of 120 surface acres for a mine portal and the construction of surface structures, noting only one stipulation: digging could not begin until the EPA granted an Underground Injection Permit.

Days later, Kennecott announced its interest in mining half a dozen other sites in the western U.P. (see map above)

In February, four groups—The Yellow Dog Watershed Preserve, National Wildlife Federation, Huron Mountain Club and the Keeweenaw Bay Indian Community—filed suit

against the MDEQ asking the state agency to revoke the permits, citing irreparable environmental harm if the mine went forward.

- In March, the U.S. Fish and Wildlife Service agreed with a petition filed by The Michigan Sierra Club, Huron Mountain Club and Marvin Roberson that listing coaster brook trout under the endangered Species Act may be warranted (see article page 7).

- Preservation arguments*
- In late April, the earlier mentioned groups will argue before Ingham County Circuit Court in an effort to reverse the Department of Environmental Quality's multiple permit approvals, citing violations under the Michigan Environmental Protection Act.

*(Pre-Meeting Adventure continued from page 4)*

As part of the Ottawa National Forest's annual Breeding Bird Census, I will be leading a trip to the river and burn area on the afternoon of Saturday, June 7<sup>th</sup>, 2008. The trip is also an event of the North Woods Native Plant Society, so we'll be checking out the flora as well. It's also National Trails Day, so the Peter Wolfe Chapter will be involved, too. For more info, contact Doug Welker [dwelker@up.net](mailto:dwelker@up.net) / 906-338-2680 or Sherry Zoars [thezoars@excite.com](mailto:thezoars@excite.com) or [zoars@copper.net](mailto:zoars@copper.net). A map of the NCT in the area is available online at <http://www.northcountrytrail.org/pwf/images/segment21map.jpg>.

- Doug Welker, UPEC and NCT Board Member

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### **CUP Plans Spring Clean-Ups, Water Monitoring**

Our central Upper Peninsula Chapter of the Sierra Club (CUP) has set its schedule for early season clean-ups at Little Presque Isle in Marquette and water sampling of the streams on the Yellow Dog Plains.

Cup has been cleaning up Little Presque Isle for many years. In the early periods, we would get about a ton of trash per pickup; now we get a couple of decent trash bags full. A clean area tends to stay clean (and I enjoy doing it).

We'll meet at 10 a.m. in the Little Presque Isle parking lot for a two-hour outing. Often we do an afternoon activity out there as well.

As for water sampling on the Yellow Dog Plains, it is likely that baseline measuring is over and monitoring must be done. We all fervently hope that development on the plains will not bring water pollution. The EPA could still deny a permit or legal efforts to block mine construction may succeed (see article page 10). But the likelihood of no pollution increases if all know that many eyes are watching the streams.

For these outings, we'll meet at 10 a.m. at Huron Mountain Realty in Big Bay. Bring a lunch. We usually get back to Big Bay about 5 p.m.

#### **Schedule:**

Sunday, April 27: Water Sentinels on the Yellow Dog Plains

Saturday, May 17: Water Sentinels on the Yellow Dog Plains

Sunday, May 18: Clean-up at Little Presque Isle

Saturday, June 21: Water Sentinels on the Yellow Dog Plains

Sunday, June 22: Clean-up at Little Presque Isle

For more information, you can call me at 906-228-9453 or John Rebers at 906-228-3617.

- David Allen, UPEC and CUP Board Member

(Dates for CUP through fall activities will be listed in the next newsletter—Ed)

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