



The Upper Peninsula *Environment*

Newsletter of the Upper Peninsula Environmental Coalition • December 1991

Engler emasculates DNR; public oversight destroyed in power grab

With a few strokes of his pen—and the acquiesce of the Michigan Senate—John Engler has ended a 70-year tradition of citizen oversight of our state's environment. In a series of executive orders, he did nothing less than abolish the Michigan DNR and (in the words of the American Lung Association of Michigan) create in its place "a new autocratic, politically controlled DNR to be run from the Governor's office."

On November 8, Engler issued four long-threatened executive orders "reorganizing" the DNR. One of these (relating to the new Polluter Pays law) was so far off the mark that he was forced to withdraw it. But the other three have gone into effect.

Here is a partial list of what Engler did:

- Created what he calls a "new DNR" in which the director has vastly more power than before, and over which the governor's office has much more control.
- Abolished 19 of the 23 citizen-staffed oversight boards, including those overseeing Air Pollution Control, Water Resources, Nongame Fish and Wildlife, Wilderness and Natural Areas, Plastics Recycling Development, and Hazardous Waste Planning.
- Retained the Natural Resources Commission, but without rulemaking authority and bereft of the power to select its chairperson.
- Created a Michigan Environmental Sciences Board, exempt from the Open Meetings Act and Freedom of Information Act, which can secretly meddle in permit matters.
- Made it much easier for DNR officials to wheel and deal behind closed doors. Got a complaint? Forget about appealing to the agency on your own; now you'll have to get a lawyer and go into a quasi-judicial contested case hearing process. You'll have to prove legal standing just to get your foot in the door.

Hurrying to reassure lawmakers, Rollie Harmes, Engler's new DNR director, and Engler's aide, John Truscott, promised that the agency would have new public participation mechanisms in place soon. But unless these are put into rules or laws, they'll have no legal power.

No doubt Engler's business cronies are licking their chops. This is an unmistakable green light to companies who want to push through controversial projects. Don't be surprised if pressures for a new pulp mill in the U.P. build up fast. Mead Paper has already been lobbying hard for changes in the state's water quality standards.

The attitude behind these orders is simple: the Engler administration doesn't like the idea of concerned citizens mucking up the development process with a lot of inconvenient democracy. In quotes published in the Detroit Free Press, Engler's senior aide Dennis Schornack said, "If they [citizens] want to run state government, they should get elected or get jobs in that government."

The only hope for overturning the executive orders now lies in a lawsuit filed by legislative Democrats. House Speaker Lew Dodak has said that the lawsuit stands a good chance of succeeding, but of course that's not a sure thing. The legislature could have overturned the orders within a 60-day period. The Democratically controlled House voted to do so, by a lopsided bi-partisan vote. Every U.P. representative—Dave Anthony, Stephen Dresch, Pat Gagliardi, and Dominic Jacobetti—voted in favor of blocking Engler's power grab. But in the Republican-controlled Senate, Majority leader Dick Posthumus and fellow Republican Phil Arthurhultz successfully conspired to kill the measure by sending it to a dead-end in a committee chaired by Arthurhultz, who had no intention of holding hearings on the measure before the Senate adjourned in early December.

McMANUS VOTES TO KILL DNR

The one way the Senate could have bypassed Arthurhultz was by voting to allow immediate consideration of the House measure. But this vote failed, 19-14. The state senator from the western U.P., Don Koivisto, voted in favor of

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Envirocalendar

January 5: "UPEC: The Next 15 Years" meeting, 11 am ET, L'Anse Township Hall.

May 31-June 4: 35th Annual Conference of the International Association for Great Lakes Research. Purpose: "Exchange information on all aspects of research relating to large lakes of the world and to the human societies surrounding them." Contact: M. Sanderson, Faculty of Environmental Studies, Univ. of Waterloo, Waterloo, Ontario N2L 3G1.

UPEC calls on mining firm to back up green talk with green money

In a December 9 letter, UPEC called on the planners of a copper mine in Keweenaw County to make good on their claims of environmental concern. Great Lakes Minerals of Toronto is planning a mine at its "543-S" site near Gratiot Lake. The company has issued a stream of press releases and held one public meeting in Eagle River. Over and over again it has professed a genuine concern for protecting the environment. Company officials had not done all their homework, however, before they came to the public meeting in November. They did not know, for example, that Michigan has no laws requiring mine sites to be reclaimed. Upon being informed of this, a surprised company representative promised that GLM would reclaim 543-S anyway.

At our December meeting, we decided to hold GLM to its word. We sent a letter calling on them to contract out an unbiased environmental impact assessment of the project (also not required under Michigan's nearly non-existent mining laws) and to put up a performance bond in an independently controlled escrow account. The bond money would be used to rehabilitate any mined sites should the company go bankrupt or decide to cut and run.

We made it clear in our letter—which was also released to the local news media—that UPEC has not taken a formal position on the mine. Indeed, the DNR's proposed discharge permit for mine dewatering is quite strict. But we pointed out that this permit will cover only a small part of the spectrum of concerns surrounding a mine. And the attitude of local people toward the project is far from clear; considerable opposition within the county exists, although the county board is in favor. (Much the same situation existed regarding the dearly departed proposal for a paper mill in Baraga County.)

We asked GLM for a legally binding response in writing. Otherwise, we said, their professed concern for the environment would be exposed as an empty public relations gimmick.

Wolf pups born in Upper Michigan; U.P. TWA chapter forms

by Sue Schenk Drobny

For the first time in an estimated 40 years, wolf pups were born in the west-central U.P. this spring, according to wildlife biologist Jim Hammill of the DNR office in Crystal Falls. Although information on an exact number is not known, more than three pups are said to be traveling with their parents at this time. A male pup was killed by a trapper several weeks ago; the wolf had been caught in one of his traps, and, seeing that it had mange, the trapper shot it. The DNR will probably not prosecute him, as he was said to have called the DNR immediately to report the incident.

Wolves seem to be moving into the U.P. in increasing numbers, as they migrate from Minnesota and northeastern Wisconsin. Can this trend continue, and will they be able to bear and raise young successfully in some areas of the U.P.? The most important factor for the wolves's survival here will not be food availability or amount of range. It will be the attitude of the public.

In order to build public acceptance of wolves, the U.P. chapter of the Timber Wolf Alliance (TWA) has formed, an offshoot of the already-established TWA of Wisconsin, a group dedicated to educating people about wolves. One of the first things the UPTWA has already done was to co-host, along with the Ottawa National Forest, a speakers's bureau workshop in Marquette at the end of September. The meeting was well-attended: DNR biologist Hammill, Lansing DNR endangered species biologist Tom Weise, wolf lecturer and educator Karlyn Atkinson-Berg, and others explained the natural history of the wolf and gave public speaking pointers.

Another workshop is planned for the near future, possibly in January, at a U.P. location to be announced. If you are interested in speaking to groups in your area about wolves, or are just interested in the status of wolves here and in Wisconsin, write to the address below. Membership in the UPTWA is free at this time, and you will receive the TWS quarterly newsletter, which includes articles on the UPTWA, produced through the Sigurd Olson Environmental Institute. For more information, write: UPTWA, P.O. Box 72, Ishpeming 49849.

UPEC ranks issues as part of EPA Relative Risk Assessment

UPEC board member Bill Kariainen attended the EPA Relative Risk Project scoping meeting in Marquette in early December. This is a project to try to rank the most pressing environmental issues in Michigan, presumably so the DNR (or what's left of it) can concentrate its time and energy (or what's left of them) on these problems. While many at the December UPEC meeting had misgivings about the value and validity of this approach, we went ahead and took a straw poll to choose the most pressing from a prepared list of issues. Those present chose: Point Source Discharges to Surface Water and Groundwater, Including the Great Lakes; Biodiversity & Habitat Modification; Absence of Land Use Planning that Considers Resources and the Integrity of Ecosystems; Energy Production and Consumption: Practices and Consequences; Generation and Disposal of Hazardous and Low-Level Radioactive Waste; and Generation and Disposal of Municipal and Industrial Solid Waste. In our letter to the consulting firm that is running the project in Michigan, we stated that ranking issues should not preclude serious attention (and money) to those not chosen from the laundry list.

**Do something good for the U.P.—join UPEC today!
(see form on page 4)**

The Upper Peninsula Environmental Coalition

founded 1976

dedicated to preserving & maintaining the environmental quality of Upper Michigan

SUPPORTING & MEMBER ORGANIZATIONS

- Chappée Rapids Audubon Society, Menominee-Marinette
- Citizens Against the Road, Grand Marais
- Copper Country Audubon Society, Atlantic Mine
- Copper Country Citizens for Recycling, Houghton
 - Copper Country Peace Alliance, Houghton
 - Dickinson Citizen for Clean Air, Norway
 - Friends of the Land of Keweenaw, L'Anse
- League of Women Voters of the Copper Country, Calumet
 - MTU Student Pugwash, Houghton
- Northern Michigan Wolf Sanctuary, Negauaune
 - Ottawa National Forest, Kenton
 - Recycle!Marquette, Marquette

UPEC is a member of:

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 - Great Lakes United
 - HONOR
- Lake Superior Alliance
- Michigan Environmental Council
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 - Timber Wolf Alliance
- Upper Peninsula Recycling Coalition
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News & Notes

Rockfall closes trail The popular trail to Munising Falls in Pictured Rocks National Lakeshore has been closed because of falling rock. A viewing platform along the trail collapsed with the slide, which probably took place in late November. No telling how long the trail will be closed.

Pictured Rocks gets enviro ed grant The Lakeshore recently got a 3-year grant to start a "Natural Sciences Awareness" program in local schools. The curriculum consists of a classroom activities supplemented by field trips to the Lakeshore, Hiawatha National Forest, Seney National Wildlife Refuge, and other locations. There will also be a summer vacation science camp. The program is aimed at 4th through 6th graders in Burt Township, Au Train-Onota, Superior Central, and Munising public schools, and at private schools as well. The grant of over \$200,000 will enable the park to hire an Education Specialist.

Grand Island development alternatives sketched

The Grand Island Advisory Commission has met three times and roughed out some development alternatives that will likely appear (with some changes) in a draft Environmental Impact Statement (EIS) for the development of the new National Recreation Area. (By the way, Charlie Guenther of MUCC has replaced Gayle Coyer on the Commission, now that she has left the U.P.) Hiawatha National Forest has released a newsletter with the alternatives and an explanation of the NEPA EIS process. They have been given colors as names:

- Brown: The "No Action" alternative. Current activities, including car, ATV, cycling, and snowmobile use, would continue. No additional facilities would be built.

- Purple: Under this alternative, there would be no cars or trucks (except for current land owners) and no development on the island. USFS would try to restore the island to its appearance as of 1900. A lodge and visitor center, if built, would be on the mainland.

- Red: Keep the island basically undeveloped, except for a concession-operated public transportation system on the island. Rental cabins would be built and operated by a concessioner. A small store would be built. Snowmobile use would continue.

- Green: This would allow ATV and car use on the southern half of the island while keeping the north end undeveloped. Hiking and cycling trials would be built. A car-accessible developed campground would be built at Murray Lake, and a boat landing at Echo Lake. Private cabins would be bought as they become available and turned into bed-and-breakfasts. A restaurant and store would be built.

- Blue: In addition to the above development, there would be more docks and campgrounds, overlook platforms on trails, a lodge and visitor center at Murray Bay, and a historic area along the lines of Fayette State Park. At the latter, costumed interpretation would take place.

- Orange: Full-blown development. A scenic drive ringing the island, 5 lodges and restaurants, etc.

- Yellow: The so-called "best of both worlds" alternative. Heavy development would be restricted to the southern half of the island, including a lodge & visitor center at Williams Landing, but only primitive campgrounds there and only public transport. The northern half would be undeveloped.

Hiawatha NF emphasizes these alternatives are only sketches and are open to change. If you would like to follow the process, you can get on the mailing list for their "Full Circle" newsletter by writing to Julie Fosbender, Hiawatha National Forest, Munising Ranger District, 400 E. Munising, Munising 49862. Phone: 387-2512.

DNR (conf'd from p. 1)

immediate consideration. But George McManus, the Republican senator whose district includes the eastern U.P., did not. UPEC made (futile) phone calls to Arthurhultz, Posthumus, and McManus to urge them to at least vote on the measure so the public could clearly see where they stood.

WHAT NEXT?

There is little U.P. enviros can do except await the outcome of the Democrats' lawsuit and see what kind of public participation mechanisms the new DNR comes up with. It's worth noting that this pattern of retrenchment, of distrust of and disdain for citizen involvement, is not limited to Michigan. There is a backlash developing in the West against enviros tying up timber sales on National Forests with well-documented, legally savvy, environmentally sound, and downright troublesome internal agency appeals. What we're seeing is the beginning of a moneyed movement against what might be termed the ultimate Monkey Wrench: an environmentally informed citizenry unafraid to use its democratic rights.

EIS for Pictured Rocks road put off one year

In early December, the National Park Service announced that its EIS for the proposed Pictured Rocks road will not be completed until May 1993. This is a delay of almost a year from the original May 1992 date. Superintendent Grant Petersen said that the park "recognized a need to conduct some additional research" as comments on studies were received. One of the new studies—one which UPEC pushed hard for at our meeting with Petersen last summer—will be the effect habitat fragmentation from a new road might have on the

park's wildlife species. A second study will look at the potential impact on invertebrates, such as butterflies and insects rare in Michigan. To get in the loop for information, write to Pictured Rocks National Lakeshore, P.O. Box 40, Munising 49862.

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