



# The Upper Peninsula ENVIRONMENT

Upper Peninsula Environmental Coalition

January/February 1995

## HIAWATHA NATIONAL FOREST RENEGES ON COMMITMENT TO DESIGNATE 51,988 ACRES OF OLD GROWTH FOREST!

by Michael Huntly, UPEC  
Biodiversity Committee Chair

In 1987, top officials of the Hiawatha National Forest (HNF) committed to designate 51,988 acres of old growth forest by 1997. The agreement was part of a negotiated settlement of the Hiawatha National Forest Management Plan, which was signed by the Michigan DNR, environmental groups, and the timber industry.

Doubling the timber harvesting allowed on the HNF was also a part of the settlement which environmental groups agreed to as long as certain parts of the forest were protected as old growth forest for old growth-dependent species.

Now, eight years later, the HNF has not designated any old growth forests. Their excuses for not keeping their commitment are many and varied. The first several years was supposedly spent by the HNF old growth team identifying the best remaining old growth on the Forest.

Then in July of 1993 in an Old Growth Update, the HNF suddenly claimed that they planned to "only formally designate [as old growth] 10,000 acres as per the Forest Plan." In absolute surprise, UPEC sent a letter to the new Forest Supervisor -- who had not been involved in the Forest Plan negotiations -- requesting a clarification and asking if the HNF planned to honor their commitment to establish the agreed-upon old growth system.

The Supervisor sent a letter back to UPEC telling us that we were mistaken about the Plan, that 51,988 acre of old growth was to be designated over 50 years and not over 10 years.

UPEC and Sierra Club Mackinac Chapter were incredulous that this was the position of the new administration of the HNF after the numerous grueling days we spent negotiating a Plan with clear, unambiguous language requiring them to designate 51,988 acres of old growth in ten years. And we told them so.

Once challenged, they abandoned the idea that they could so blatantly violate the spirit and letter of the Forest Plan, and they restated their commitment to protect 51,988 acres of old growth in ten years.

But now the Supervisor is unsure of what the term "designate" means. Instead, HNF old growth is being "validated," "verified," and "coded as potential old growth" in their data banks. We've been told that there will always be old growth in their data banks -- but none protected on the Forest!

In a related move, the HNF has suddenly tried to adopt a new definition of old growth. This new definition says that where old growth is geographically located is more important than having old growth that consists of large trees. This means that saplings and pole timber can be coded in their computers as potential old growth and the true remaining old growth forests can be sold to the timber industry.

UPEC and Sierra Club have informed the HNF that computer data bank old growth is poor habitat for Northern Goshawks and Blackburnian Warblers, and that their idea of considering saplings and pole-size timber as old growth is nonsense.

We expect them to establish a functioning, designated old growth system on the Forest, just as they agreed to many years ago. And yes, although it seems obvious, an old growth system should consist of old trees!

Now we are told that HNF can't do a good enough Environmental Assessment to establish an old growth system because they have to consider too many other uses of the Forest that were agreed to in the Forest Plan (like cutting timber). However, they have no problem doing good enough Environmental Assessments to cut timber without the established old growth system that was also agreed to in the Plan.

The UPEC Board of Directors has determined that it is not willing to accept these excuses any longer. UPEC will continue to pressure the HNF to keep its commitment.

In addition, UPEC will start to address designation of old growth within individual timber sales. UPEC's position is that all old growth within timber sales must be designated as part of the timber sale, at the very least. That is the only way to ensure that the old growth stands within timber sales are protected as part of the timber sale.

The resolution of this issue will determine UPEC's future working relationship with the Hiawatha National Forest. Our intention is to avoid the types of controversies that have troubled national forests in other parts of the country.

However, UPEC entered into the negotiated settlement in good faith. The good faith of the present administration of the Hiawatha National Forest remains to be seen.

## ROAD THREATENS HEART OF PICTURED ROCKS NATIONAL LAKESHORE - YOUR COMMENTS NEEDED!

UPEC has been monitoring the threat of a road cutting through the heart of the Pictured Rocks National Lakeshore for many years now. The threat has again reared its ugly head with the release of a draft Environmental Impact Statement on the road, now called the Beaver Basin Rim Road.

When the Lakeshore enabling legislation was passed in the 1960s, it called for a scenic shoreline drive. By 1981 -- if not earlier -- National Park Service officials realized the engineering and environmental folly of building a road along the Lakeshore's fragile sandstone cliffs and sugarsand white beaches. So, instead, Park Service officials now prefer to build the "shoreline drive" right through the heart of the park's wilderness area -- 13 miles of new road from which you can't even see Lake Superior and which would only be three miles away from an exiting county road (H-58). In addition, Lakeshore visitor surveys and public meetings held in the past indicated overwhelmingly that people do not want a new road through the heart of the Lakeshore. Wasteful? Duplicative? Unnecessary? You bet!

We need your help. The public comment period for the draft EIS is open until March 20, 1995. We are encouraging people to write comment letters urging that the National Park

Service choose the "no action alternative" -- that is, leave things alone -- and not build the road.

Reasons to use include:

- The proposed road is not a scenic shoreline drive. The original intent of the Pictured Rocks road is now outdated and impossible to implement, so a road is not justified.
- The proposed road is less than 3 miles from an existing county road. Developing a new road that will cost \$13.5 million so close to an existing road is not justified.
- Visitor surveys taken by Lakeshore officials over the years indicate that the vast majority of visitors are opposed to a new road. The enabling legislation requires the Park Service to enhance public enjoyment of the lakeshore. Building the road in the face of broad opposition from visitors violates that standard.
- A new road cutting through the heart of the Lakeshore would harass wildlife, particularly in winter when the road would be open to snowmobiles traveling at speeds of up to 80 mph.

Please send your comment letter to: Superintendent Grant Peterson, Pictured Rocks National Lakeshore, P.O. Box 40, Munising, MI 49862. Thanks for helping to safeguard a unique U.P.

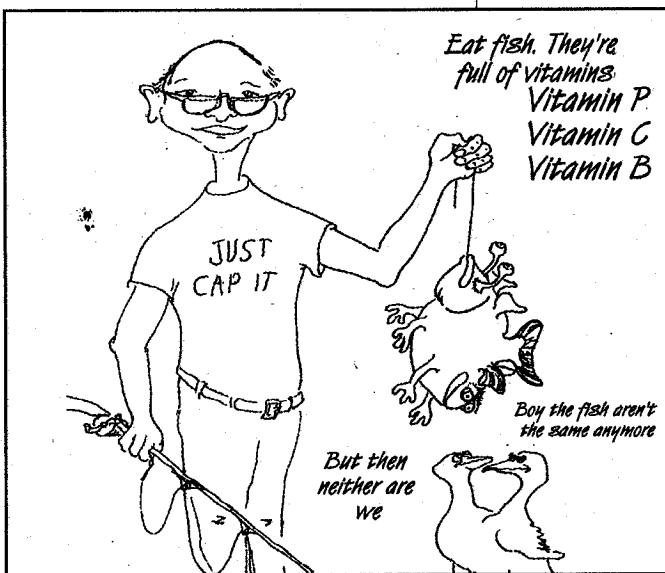
## LSA MEETING IN MARQUETTE

All roads lead to Marquette the weekend of March 18-19 when UPEC and the Central Upper Peninsula (CUP) Sierra Club host the Lake Superior Alliance (LSA) meeting. The LSA is a coalition of about 20 grassroots groups from throughout the Lake Superior basin plus several national environmental groups who have banded together to target action on protecting Lake Superior.

There are numerous issues that will be tackled at the meeting. High on the list of priorities is forging a strategy for the IJC meeting in September to further zero discharge for the Lake Superior basin; developing a document challenging the governments to keep their commitments to toxic reduction actions and timelines; and encouraging member groups to sign a letter opposing a new road that will cut right through the heart of the Pictured Rocks National Lakeshore. Alliance business and the selection of a new Steering Committee chair will be discussed as well. People are also invited to bring their issues and concerns to the meeting to share.

The meeting will be held both days at Northern Michigan University at the University Center. The meeting will take place from 12:30 to 5:30 EST on Saturday and 9:00 to 1:00 EST on Sunday. After the meeting on Saturday, a potluck dinner will be held at 6:00 at the home of Judy Allen, 318 E. Prospect Street in Marquette. We're asking people in the local area to bring hot dishes and salads and people from out of town to bring chips, breads or drinks.

If you have any questions, please call Gayle Coyer at 906-942-7332 or Judy Allen at 906-228-9453. If you can only attend one day of the meeting, please feel free to still come. We're looking forward to an exciting, successful meeting and we hope to see you there!



*Eat fish. They're full of vitamins.  
Vitamin P.  
Vitamin C  
Vitamin B*

*Boy the fish aren't the same anymore*

*This cartoon was submitted by UPEC member Wayne Stanley of Thompson. It describes the concern that capping PCB-contaminated sediment in Manistique Harbor is not a better long-term solution than removing the contaminated sediment.*

**PLEASE NOTE UPEC'S CHANGE OF ADDRESS!!!**  
UPEC's mailing address is now: P.O. Box 847, Marquette, MI 49855. Please direct all correspondence to this address.

## NEWS FROM MICHIGAN ENVIRONMENTAL COUNCIL

The Michigan Environmental Council (MEC) is a coalition of 23 environmental groups in Michigan. UPEC has been a member of MEC for almost a decade. MEC has been our voice in Lansing -- promoting environmental legislation, testifying at hearings, meeting with agency work groups -- being our eyes and ears to what's going on in Lansing.

MEC has chosen three areas as the most important environmental issues to work on for the coming year. They are: Land Stewardship, Clean Cities and Healthy Great Lakes. These areas dovetail nicely with issues that are important to UPEC. Land Stewardship is closely linked to a recent DNR Relative Risk Report that identified the lack of land stewardship -- that is, the lack of habitat protection and land use planning -- as a major threat to Michigan's environment. In the U.P., that threat is seen in the way our forests are currently managed. Instead of being managed for all species and all types of habitats, they are being managed mainly for wood fiber and for species like deer and grouse.

Clean Cities is linked to stopping urban sprawl and cleaning up contaminated areas for redevelopment, which is not as big an issue in the U.P. as it is in some places downstate. Healthy Great Lakes has long been a key issue for UPEC. Working with MEC, UPEC will continue to call for zero discharge of persistent toxic pollutants in the Great Lakes, to use pollution prevention to stop pollution at its source and to change production processes, and to highlight the threat to wildlife and humans from toxic chemicals.

MEC will tackle these important topics by working more closely with and helping to strengthen its member groups and by building partnership with other interest groups on these issues.

## Activist Update

### Isle Royale Incinerators

No progress has been made yet by Isle Royale National Park (IRNP) in solving its solid waste crisis. With applications for three new incinerators for the island currently on hold, the engineering firm contracted by IRNP to complete a solid waste study and recommend options for garbage disposal did not do a satisfactory job. Park Superintendent Doug Barnard has sent the study back for revisions. The three existing unpermitted garbage burners on Isle Royale lie silent now -- covered by winter's snow -- but in the spring Michigan DNR Air Quality Division staff will be visiting the island and will almost certainly find the garbage burners in violation of Michigan law. UPEC will continue to work with the Park for a solution that ends the emission of persistent toxic pollutants from this national wilderness park.

### NWF and MUCC Settle Lawsuit Against Copper Range Corporation

After more than two years of negotiations, the National Wildlife Federation (NWF) and the Michigan United Conservation Clubs have settled a major lawsuit against Copper Range Corporation, a mining and smelting facility in the western Upper Peninsula and the largest polluter in the Lake Superior basin. The facility had violated the law for years until NWF took action. Once NWF filed the lawsuit, the U.S. EPA and the states of Michigan and Wisconsin also joined the lawsuit in support of NWF.

Copper Range must pay \$1.8 million in fines and \$3.0 million for projects to restore or protect damaged habitat, study the deposition of mercury and other toxic metals in the basin, and educate schoolchildren on environmental issues. This is the largest settlement in the 25-year history of the

Clean Air Act. The settlement agreement also provides for Copper Range to build a new \$200 million state-of-the-art smelting facility which will reduce mercury and other toxic pollutants approximately 95-98%.

The settlement represents a significant achievement in eliminating toxic pollution in the Lake Superior basin. It also marks a major step in moving toward zero emissions and zero discharge of persistent toxic pollutants in the basin committed to in the Lake Superior Binational Program.

### Sylvania Motor Boat Issue

by Bill Malmsten, Vice-President

Kathy Stupak-Thrall, a landowner on Crooked Lake, has filed an appeal of Judge Quist's decision to deny the relief she requested in her original federal court appeal. The appeal has been filed in the 6th Circuit, US Court of Appeals. Walter Kuhlmann has agreed to represent UPEC in the filing of our Amicus Curie (friend of the court) brief regarding our position on the motor boat issue. Thrall's attorneys have argued that the Federal Government has no more authority to regulate the lakes within the Sylvania Wilderness than did the previous private owners from which the Feds purchased the property.

They have also argued that the reference to "valid existing rights" in the Michigan Wilderness Act applies to riparian rights and therefore the Federal Government does not have the right to regulate the boating activities of anyone who owns property on the north shore of Crooked Lake.

While it seems relatively unlikely that the court will accept the landowner's argument, a ruling in her favor would be disastrous not only to the future of the Sylvania Wilderness, but would set a precedent of national significance, that would affect many other federal lands.

The Ottawa released a new EA for motorized watercraft in the Sylvania Wilderness in July 1994. Comments were due by August 30, 1994.

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

Name \_\_\_\_\_

Address \_\_\_\_\_

Zip \_\_\_\_\_ Phone \_\_\_\_\_

I would like to support the goals of UPEC by becoming a member. My annual dues are enclosed (check one):

Regular Member (\$15)  
 Supporting Member (\$50)  
 Student/Senior/Low Income (\$10)

Here's an extra contribution of \$ \_\_\_\_\_

I'd like to ensure the long-term viability of UPEC by contributing \$ \_\_\_\_\_ to the UPEC Endowment Fund.

Note: If you make the check out to the Marquette Community Foundation (MCF) and put "UPEC Fund" on the memo line, you can take a 50% tax credit on your MI state income tax (up to \$200 for individuals, \$400 for couples). Mail to MCF, Attn: UPEC Fund, P.O. Box 185, Marquette, MI 49855. Or you can send your contribution directly to UPEC and take a regular tax deduction.

**Notice to all Upec Members and Contributors**

Thanks to all of you who have renewed your UPEC dues for 1995 and sent us additional contributions. We would not have an organization without you! In order to save money and time, we've decided not to send receipts for regular dues and contributions. However, if you do need a receipt for any reason, feel free to contact Gayle Coyer at the UPEC box or by calling 906-942-7332.

**ATTENTION ALL YOU COMPUTER SURFERS!!!**

UPEC IS ON LINE. WE HAVE OPENED A ROOM ON THE GREAT WHITE NORTH FOR THE PUBLIC TO COMMUNICATE ELECTRONICALLY ON ENVIRONMENTAL ISSUES. THE GREAT WHITE NORTH IS A NON-PROFIT ORGANIZATION THAT HAS BEEN SERVING U.P. COMPUTER NEEDS FOR OVER 10 YEARS. SET YOUR COMMUNICATIONS SOFTWARE TO N81, FULL DUPLEX, AND DIAL 228-4399. AT THE LOG ON PROMPT TYPE UPEC (SMALL LETTERS) AND YOU WILL GO THROUGH A REGISTRATION ROUTINE. FOR \$15 TO \$45 PER YEAR YOU CAN GET A MEMBERSHIP LEVEL THAT OFFERS SERVICES FROM WORLD WIDE EMAIL TO ACCESS TO JUST THE UPEC ROOM. BROWSE TO YOUR HEART'S CONTENT OR ENGAGE IN SOME ON LINE CHAT WITH OTHER MEMBERS. UPEC HAS SET UP ROOM #227 FOR THE PUBLIC. ASK QUESTIONS OR GIVE INFORMATION. THE FUN IS JUST ABOUT TO BEGIN! GARY IS THE GUY IN CHARGE AT GWN, SO IF YOU HAVE A PROBLEM GETTING HOOKED UP, GIVE HIM A CALL AT 228-3275.

**Important UPEC Meeting to be Held.**

An important UPEC meeting will be held Sunday, March 12th at the Birch Room of the Ford Forestry Center in Alberta (on US 41, 10 miles south of L'Anse). A representative from SPORT (Sportsmen and Property Owners Rights and Trusts) will make a presentation on a possible state referendum to ban bear baiting and hunting bears with dogs. If you are interested in this issue, please attend this meeting. Help UPEC assess this important issue!

**Schedule:**

12:00 - 2:00 Regular Board meeting (open meeting)

2:00 - 4:00 presentation and discussion of bear baiting and hunting with dogs

**Upper Peninsula Environment****Upper Peninsula Environmental Coalition**

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