



# The Upper Peninsula ENVIRONMENT

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## PARK SERVICE REFUSES TO CHANGE POSITION ON PICTURED ROCKS ROAD

In March, twelve environmental and conservation groups -- led by UPEC and Restore the Northwoods -- wrote to Roger Kennedy, Director of the National Park Service, to encourage the Park Service to drop its proposal to build a new road through the heart of the Pictured Rocks National Lakeshore. The groups respectfully noted to the Park Service Director that 1) of 700 comments submitted on the proposed road, 97% opposed the road project; 2) that it didn't make sense to be proposing this kind of project when the National Park System itself is being attacked in Congress; and 3) at the very least, the \$13 million it would cost to build the road could be much better spent on other badly-needed infrastructure projects in the park system.

The groups also pointed out that legislation had been introduced by Representative Bart Stupak (HR 2958) that would prohibit construction of the shoreline drive and would provide authority for the Park Service to instead make improvements to a nearby county road, H-58.

All of our well-reasoned arguments fell on deaf ears. Mr. Kennedy had Bill Schenk, his Midwest Field Area Director, respond to the letter. Mr. Schenk stated that there were no environmental impacts that were significant enough not to build the proposed road. Moreover, he stated that the Park Service's position was that it had to continue to proceed toward building the road. He stated that if HR 2958 were to pass, then the Park Service

would abide by the new law.

It seems unbelievable that this road would ever receive funding since this project is so controversial and so unnecessary. However, all of us have seen these types of projects funded in the past. It's important that everyone who cares about protecting Pictured Rocks write to Bart Stupak to encourage him to keep pressing the road prohibition bill and to write to Senator Levin to ask him to sponsor a companion bill in the Senate. [Rep. Stupak: 317 Cannon House Office Bldg. Washington DC 20515-2201; Senator Levin: 459 Russell Senate Office Bldg. Washington DC 20510-2202]

### New Twist in Sylvania Wilderness Lawsuit Saga

A new twist has developed in the fight to allow the Forest Service to develop regulations and to keep massive motors off the lakes in the Sylvania Wilderness area in the Ottawa National Forest. The Sixth Circuit Court of Appeals had previously ruled in favor of the Forest Service's right to set regulations in the wilderness area. This ruling was reached by a panel of judges of the Court of Appeals and such a ruling usually stands for the entire Court of Appeals.

However, an appellant has the right to ask the entire Court of Appeal judges to rehear the case. The appellants in this case, motorboat proponents and landowners Kathy

Stupak-Thrall and Bodil and Michael Gajewski, made the request and it has been granted. Now the entire Court will reconsider the case. Remember, the case at hand is not specifically about motorboats; it's about Amendment No. 1 to the Ottawa National Forest Management Plan, which regulates other types of watercraft like sailboats and prohibits disposable food and beverage containers in the wilderness.

Apparently one of the main issues to be examined in the rehearing concerns the phrase "valid existing rights." The landowners in the lawsuit claim their existing rights have been violated by the wilderness regulations. The court, it appears, intends to examine the legal context of this phrase more closely.

Although this issue is just developing as we go to press, it appears that UPEC will continue to be involved in filing briefs before the court. We'll keep you posted on the outcome of this latest twist.

### UPEC Succeeds in Hiawatha National Forest Timber Sale Appeal

In March, UPEC -- along with the Sierra Club, MI Biodiversity Project, and Northwoods Wilderness Recovery -- filed its first-ever appeal on a series of timber sales and other management activities on the Hiawatha National Forest called the Borrowed Time Project Set. The appeal contained twelve appeal points mostly centering around the lack of

adequate surveying and assessing habitat needs for wildlife species such as lynx and northern goshawk. The appeal also stated the Forest Service had not done an adequate job of analyzing the effects of this timber sale in conjunction with all the other timber management activities that have been occurring (called a cumulative effects analysis).

On April 22nd, the new Regional Forester for Region 9, Robert Jacobs, issued his opinion. He stated that the Responsible Official, Munising District Ranger Teresa Chase, had not done an adequate job of analyzing cumulative effects and this must be done for each of the proposed alternatives in the Environmental Assessment. He sent the project back to the District Ranger for the project to be redone.

So, the timber sales are now on hold and the Hiawatha must undertake the required analysis. This part of the Regional Forester decision constitutes a clear victory since we have been commenting for a long time that the Forest Service must consider all the impacts on wildlife and on the forest from harvesting trees over time and not just the effects from the sale at hand.

However, there are other puzzling aspects to the appeal decision that we still need to understand. For one thing, the Regional Forester was silent on the eleven other appeal points. As we understand the law, the Forest Service is required to address each of the appeal points separately and respond whether the Regional Forester agrees or disagrees with those points. This was not done.

Unless these points are addressed, we will continue to have many outstanding disputes with the Forest Service. UPEC and the other organizations have been telling the Forest Service for several years that the Hiawatha National Forest does not have an adequate survey framework in place to understand population numbers of various sensitive wildlife species and the trends concerning these species. Until the

Forest Service takes its responsibility seriously -- and as required by law -- to provide for population viability of all vertebrate species, these efforts will continue.

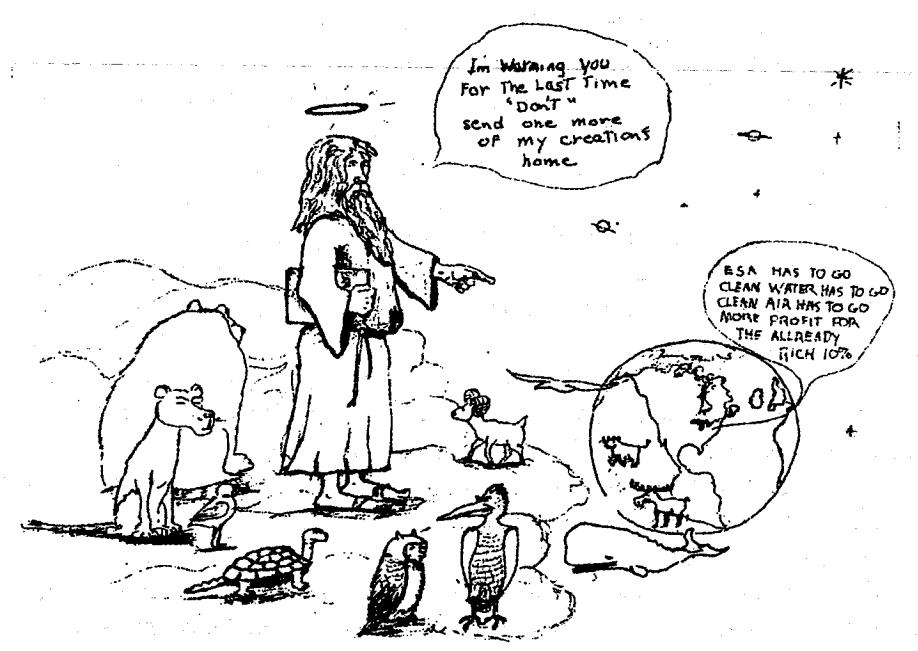
#### Copper Range Solution Mining Permit Yet to be Issued

Because of the extensive comments received on the proposed permit for the Copper Range solution mining project, no permits have yet been issued. In addition to UPEC's concerns -- outlined in the last newsletter -- the Environmental Protection Agency (EPA), the National Wildlife Federation (NWF), and other environmental groups and individuals also raised extensive concerns. EPA questioned whether the project should also be permitted under the federal hazardous waste Underground Injection Well program as well as raised substantial mining-related questions. NWF questioned the financing for the perpetual care trust fund and the characterization of the spent mining solutions. An NWF consultant questioned the geological assumptions made for the project and

cautioned that there were many routes for the spent mining solutions to migrate into groundwater or surface water.

The Department of Environmental Quality is preparing a "Responsiveness Document" to the concerns raised. Three documents are being prepared: 1) A general response to the various concerns raised; 2) A direct response to NWF's comments; and 3) A direct response to EPA's comments. Anyone who sent in comments with concerns on the project will be sent a copy of the general document. The other two will be mailed out to a smaller audience. However, if you would like any or all three documents, contact Steve Casey, DEQ, 1990 U.S. 41 South, Marquette, MI 49855, or call him at 906-228-6561.

**UPEC member Wayne Stanley's cartoon reminds us that humans are not following strongly-held religious beliefs that humans should provide stewardship for the planet and Earth's species.**



The Upper Peninsula Environmental Coalition was organized on December 6, 1975. The goals of UPEC are to protect and maintain the unique environmental quality of the U.P. of Michigan; to evaluate and promote planning and sound management decisions for all the resources of the U.P.; and to work toward these goals through coordination of member groups, individual members, and public information.

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Membership in UPEC is open to all individuals and groups who wish to support the goals of the Coalition.

Applications for membership should be sent to PO Box 847, Marquette MI 49855. News items and submissions to the newsletter should be sent to the same address. UPEC is a nonprofit organization [IRS 501(c)(3)] and dues and contributions are U.S. tax deductible to the extent allowed by law.

### Important New Project to Prevent Pollution in the Printing Industry

The concept of *pollution prevention* is rooted in the simple but powerful idea that it makes far more sense to eliminate the generation of waste than to develop complex and costly treatment and disposal schemes once it has been generated. The Michigan Environmental Council (MEC) has long promoted pollution prevention and is working on an unique and exciting pilot project build on this concept: the Great Printers Project.

The Great Printers Project, consisting of pilots in Michigan, Illinois, Indiana and Wisconsin, is a cooperative effort to make pollution prevention a standard practice in the lithographic printing industry. Michigan pilot partners include MEC, the state Department of Environmental Quality and the Printing Industries of Michigan.

While a small printing business may create a relatively small amount of pollution or waste, the contribution of the industry as a whole is substantial. The Great Printers Project seeks to inform printers about pollution prevention, thereby enhancing industry efforts to reduce releases or emissions that contribute to photochemical smog, hazardous waste and wastewater discharges.

Printers who register as "Great Printers" commit to examining their current practices and processes with the goal of moving beyond compliance with environmental standards toward incorporating environmentally-friendly practices into their operations. *MEC strongly encourages print customers to take their business to Great Printers.*

Here are the Great Printing Principles:

1) Comply with applicable environmental and worker health and

safety laws.

2) Go beyond compliance by employing the most environmentally sound practices, consistent with the following management principles: a) maximizing pollution prevention as the first course of action; b) reusing or recycling waste that cannot be prevented; and c) maximizing energy efficiency within the print shop.

3) Seek continuous improvement through periodic assessments of operations, materials and products, and by drawing on information and ideas from employees, print buyers, suppliers and neighbors.

Participating Great Printers will be announced during the summer. If you want to get involved either as a printer or a print customer, you can contact Pat Diehl at 517-483-9056 for more information. It's a big step in the right direction!

### UPEC Membership Notes

#### UPEC Board Meetings:

UPEC Board meetings have not been scheduled regularly enough to put them in the newsletter. Hopefully the Board will be able to set a schedule soon so all members who want to can attend meetings.

**Dues Reminder:** If you haven't renewed your dues for 1996, please use the form on page 4 to do so now. A reminder to those who haven't paid will go out in June, and the membership rolls will be purged in July. Renew now!

#### Tax Deductible Receipts:

Many people make generous contributions to UPEC and welcome the tax deduction allowed. Receipts will be sent out later this year to folks who have made contributions about the regular membership level. Contributions are welcome at any time!

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

Name \_\_\_\_\_

Address \_\_\_\_\_

City/State/\_\_\_\_\_

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 want to protect Sylvania Wilderness by contributing \$ \_\_\_\_\_ to the Legal Defense Fund.

[ ] I'd like to ensure the long-term viability of UPEC by contributing \$ \_\_\_\_\_ to the UPEC Endowment Fund. [For endowment checks only, 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.]

**CALLING ON ALL UPEC MEMBERS!**

Would you like to see some additional issues covered in the newsletter or some other areas of the U.P.? The newsletter editor Gayle Coyer would like input on other areas or other issues. We usually just cover what we hear about or what specific issues Board members are working on and report on. But, we would love to cover more U.P. issues! So feel free to write up some information or give Gayle a call. It doesn't have to be a polished article! Call her 906-942-7332 or write to UPEC, P.O. Box 847, Marquette, MI 49855.

**Upper Peninsula Environment**

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