



“The newspaper for people who love the north”



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Michigan's Conservation Sentinel Since 1953



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Why not give The North Woods Call?**

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North Woods Notes

HELEN MILLIKEN: Michigan lost a longtime friend of conservation recently when former first lady Helen Milliken—wife of former Gov. William G. Milliken—passed away at the age of 89. She had been a steadfast supporter of the work of the Michigan Land Use Institute, the Nature Conservancy and other organizations, and—along with her husband—was among the first to highlight the connection between a clean environment and a strong economy. During the 14 years she served as first lady, she advocated for farmers markets, billboard control, the bottle deposit law and a restriction on oil drilling in the Pigeon River State Forest, among other things. She has been an inspiration for many and will be deeply missed.

RENEWABLE ENERGY: Despite soundly defeating Proposal 3 on November 6, a strong majority of Michiganders say they support renewable energy alternatives. A Greenberg Quinlan Rosner Research poll conducted November 5 & 6, found that 73 percent of state residents are in favor of increasing Michigan's renewable energy production. Only one percent said they were against it. Voters, nevertheless, were unwilling to amend the Michigan Constitution to accomplish this goal.

PASSPORT PRICE INCREASE: Well, that didn't last long. The price of Michigan's Recreation Passport—which was \$10 when implemented two years ago—will increase to \$11 on January 2, 2013. The price hike is based on a "statutory requirement," according to state officials, which says the purchase price of the passport must keep pace with inflation. It's still a good deal, but has everything else gone up 10 percent? Probably, judging from our last trip to the grocery store. The passport is required for vehicles entering Michigan's state parks, recreation areas and forest campgrounds.

DRUGS & FISH: Scientists have known for years that human medications are ending up in waterways, affecting fish and other aquatic organisms. But they've only begun to understand the impact these pollutants seem to be having. According to an article by Richard Lovett in *Nature*, the international weekly journal of science, this exposure to a range of medicines—ranging from anti-inflammatories to the hormones in birth-control pills—can inhibit reproduction, slow reaction times, cause aggression in males and even result in death.

WOLF HUNT OPPOSITION: We recently reported on potential legislation to make gray wolves a game species, which could bring about a possible hunting and trapping season for wolves. A number of Native American tribes in Michigan, however, are opposed to a wolf hunt, which could inhibit the idea from taking root. The wolf holds a special status among tribal members and figures prominently in their creation stories. Sen. Tom Casperson (R-Escanaba), a primary sponsor of the legislation, said he respects this tradition, but points out that many people don't hold the same belief.

A STRONGER LEGISLATURE? The Michigan League of Conservation Voters (MLCV) this fall deliberately targeted a limited number of tough state House races, with six of seven endorsements going against entrenched incumbents. Success was limited, but one of the biggest targets was Rep. Matt Huuki (R-Atlantic Mine), who was ultimately defeated by challenger Scott Dianda (D-Calumet). "We knew these races would be close," MLCV officials said. "That's why we were there. But we sent the message that we will be in your district with significant resources if you vote against Michigan's environment and we'll stand with you if you protect it."

BOARDMAN RIVER WORK: Removal of the Brown Bridge Dam on the Boardman River continues following the October 6 mishap that caused significant downstream flooding, damaging an estimated 50 riverfront properties. Insurance investigators are reportedly at work, as are engineers still looking into the cause of the incident.

OUTDOOR FITNESS: Here's an idea to help you stay in shape (or get in shape after the holidays)—spend more time outdoors in Michigan's parks and recreation areas. The Department of Natural Resources is encouraging such activities and has been offering year-round "Recreation 101" programs since 2011. These programs include hiking, biking, hunting, fishing, paddling, horseback riding, birding and a host of other introductory learning activities. Volunteer program guides are currently being sought, as well as instructors for a new "Fresh Air Fitness" program set to run between April 15 and October 1, 2013. For information, contact Maia Stephens at 989-225-8573 (stephensm3@michigan.gov).

Company looks at possible U.P. limestone quarry in an area southeast of Newberry

Graymont, one of North America's leading lime producers, is exploring the possibility of a new quarrying operation in Michigan's Upper Peninsula.

The company has not confirmed the exact location, but Graymont officials said they are broadly looking at a 100,000-acre area "south to southeast" of Newberry. Eventually—once preliminary testing is complete—they will zero in on about 5,000 acres for the proposed activity. The actual quarry, including buffer areas, would cover "no more than 800 acres at any point in time," they said.

Some sources pinpoint the area under consideration as near the northern Mackinac and southern Luce county lines, between and surrounding Fiborn Quarry and Hendricks Quarry.

The area is reportedly being explored by Graymont's subsidiary, Town 44 North, a phase that is expected to be completed within the next few months. After that, company officials said, they will be consulting stakeholders, identifying the final project location and developing a comprehensive Forest Management Plan in collaboration with the Michigan Department of Natural Resources (DNR).

The DNR has not yet taken a position on the project, according to Ed Golder, the agency's public information officer. "It is still very early in the process," he said. "We have yet to thoroughly review the proposal and we will still need to go through a public comment process, and gather comprehensive

input from the impacted communities."

Some eastern Upper Peninsula residents and conservationists have already sounded the alarm (see letter on Page 5).

"Such a strip mine would have a very deleterious affect upon some features of our nature preserve," said Rane Curl, trustee and past president of the Michigan Karst Conservancy (MKC), which owns 480 acres in the potentially impacted area of Mackinac County known as the Fiborn Karst Preserve. "It could drastically change the hydrology and create destructive truck traffic. It would also, of course, impact a number of private landowners."

The Fiborn Karst Preserve was purchased by MKC in 1987 and includes the old Fiborn Quarry, which supplied high-calcium limestone to Algoma Steel in Sault Ste. Marie, Ontario, from 1905 until 1936.

The conservancy manages the preserve as a natural area, open to the public under guidelines meant to prevent vandalism and damage to natural features, and unsupervised and unsafe cave exploration.

If the proposed mining project proceeds, Graymont officials said, 80 percent of the mining site would remain accessible to the public for recreational and nature-related activities, such as hunting, fishing, hiking, caving off-road vehicles and snowmobiling.

Graymont is committed to world-class standards with respect to the environment, they said, and strives

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Citizens become "warriors"

Fighting the good fight over oil & gas leases

When Cloverdale-area resident Steve Loshier saw a notice in the local newspaper that oil and gas leases were to be auctioned in the Barry State Game Area, he knew

he had to get involved.

Ditto for his neighbors Corrine Turner and Tammy Hall.

The three newly minted activists jumped quickly into the

growing fray over oil and gas exploration, and the controversial technique known as "hydraulic fracturing," vowing to prevent it on special pieces of state land held in the public trust.

They formed a nonprofit citizens' group—Michigan Land Air Water Defense (MLAWD)—to challenge lease sales conducted by the Michigan Department of Natural Resources and sought to declare parcels in the Barry and Allegan State Game Areas, as well as the Yankee Springs Recreation Area, off-limits.

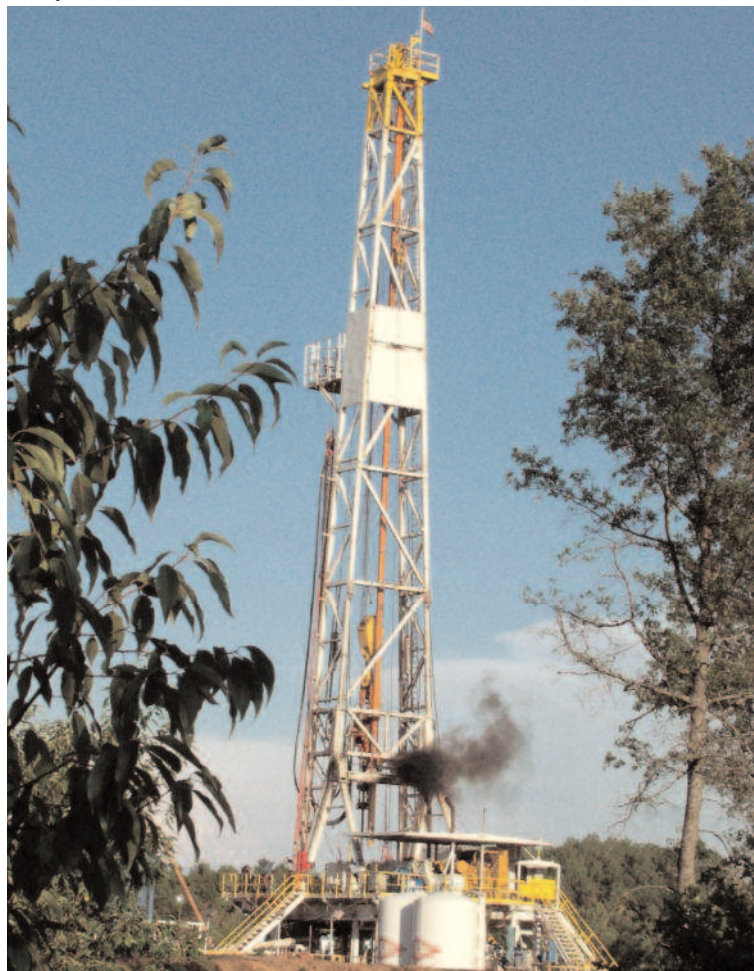
Now they are embroiled in a lawsuit against the DNR, hoping to nullify lease auctions conducted on May 8 and October 24, 2012.

MLAWD sued following the DNR's October 22 denial of their request to remove the right to "unconventionally" develop oil and gas on the contested parcels. They had made three such previous requests—all of which were denied.

They currently are awaiting a December 6 scheduling conference before Barry County Circuit Court Judge Amy McDowell to determine the parameters and timeline for the trial.

DNR officials said they believe the lease sales were proper and lawful, and they intend to defend that position in court.

At issue is the controversial oil (Continued on Page 2)



The Drill

—MaryAnn Lessert photo

A well-drilling/fracking site located in the Au Sable State Forest in Roscommon County. This land was reportedly first leased as "non-development" and later reclassified as "development with restrictions."

Proposed limestone quarry in eastern Upper Peninsula

(Continued from Page 1)

to make positive contributions to the communities where it operates.

"We work hard to be good citizens and good neighbors, said Project Manager Bob Robison, Graymont's director of mining and geology. "Even at this early stage, we have met with representatives of some stakeholder groups. Going forward, we will also be organizing town hall-style meetings to inform local citizens of our plans and invite their input."

When asked what stakeholder groups they had met with so far, Robison mentioned the DNR, U.S. Forest Service and the MKC. Company officials have said that the proposed project would create new jobs for area residents and generate other economic spinoffs for local communities and the State of Michigan, although Robison declined to speculate on how many local jobs they were expecting to create.

Opponents of the plan have said that the majority of jobs generated would probably not be local, as the company would most likely use their own existing employees for much of the work. And any short-term economic gain, they said, could be offset by the loss

of existing long-term jobs in the logging and tourism industries.

Of primary concern is the damage to surface land, loss of hunting opportunities, the conversion of two-track roads leading to the strip mine into thoroughfares capable of sustaining a steady flow of truck traffic, and increased noise that will threaten the peacefulness that area residents now enjoy.

Robison said the company plans to reclaim the surface area disturbed by quarrying operations, replacing soil cover, adding vegetation and grading the areas they have mined before moving on to other designated sections. "We don't leave a scar," he said.

"We are already a member of the Upper Peninsula business community with our lime plant near Gulliver," said Graymont Chief Executive Officer Stephane Godin, "and we're looking forward to expanding our presence in the region."

Conservationists and local residents are being encouraged to contact their state representatives, as well as Governor Rick Snyder and DNR Director Keith Creagh to voice any concerns they may have.



Michigan Land Air Water Defense has about 250 members so far and is still growing. Among those involved with the group are (from left) Corrine Turner (secretary), Tammy Hall (board member) and Steve Loshier (president).

Barry citizens take up fight against "fracking"

(Continued from Page 1)

and gas extraction method commonly known as "fracking," which MLAWD says involves "the inherent industrialization of rural and natural landscapes, and the unavoidable withdrawal, contamination and disposal of significant quantities of groundwater."

The organization maintains that—by leasing mineral rights in specially designated areas—the DNR has failed to uphold its public trust duties, contained in the Michigan Constitution and Michigan Environmental Protection Act, to responsibly manage state-held lands.

They have engaged the Traverse City law firm of Olson, Bzdok & Howard to represent them in the suit and expect "a protracted legal battle with statewide implications."

"We're eleventh-hour NIMBYs," said Loshier, referring to the sometimes derogatory phrase—"Not In My Backyard"—often applied to citizens who push back on environmental issues close to home. "I'm a proud NIMBY. Nothing would happen without the NIMBYs."

Loshier said a lot of his involvement in the fight has had to do with anger, after witnessing the apparent attitudes displayed by oil and gas industry representatives during the May 8 auction.

"They were dismissive," he said. "They were good ole boys with cheap cologne, no socks and Dockers who just wanted to backslap each other and get on with it. Their attitude was that these people are just in our way.

"We felt cornered and that pressures you to act. So I tried my best to channel my frustration and anger into positive activities. We realized we didn't have much time to do anything except hire a lawyer."

In addition to the litigation, the group is involved in a variety of educational outreach activities, hosting meetings and distributing material to help other citizens become informed about these issues.

Hall said she simply felt like it was time to give back.

"I've been an outside person all my life," she said, "but I've never attached myself to a movement before. When I heard about this, I thought about all the people who fought to put (environmental and clean water legislation) in place. It was done away with in about one hour. I knew I needed to speak up."

Hall said she has greatly benefited from the natural world and its beauty. "It would be hard for me to get on with my daily life without being active in this."

Turner, who has a horse she rides around the Yankee Springs Recreation Area, said she has read the horror stories about 'fracking' and knows what will happen if this practice continues unchecked.

"I can't know these things without responding," she said. "I take my citizenship seriously and I have to do what I can."

Members of MLAWD have sacrificed a lot of time and personal resources to carry on this battle, they said, and are disappointed that they haven't gotten more tangible support from other

environmental and conservation organizations. As of mid-November, none had stepped up to join the lawsuit, or even offer much public encouragement.

"There has not been a lot of vocal support from some of these organizations," Loshier said. "I understand that they need to be concerned with their donor base, but—to us—this is a huge issue for the entire Great Lakes region."

"We're trying to keep our natural areas from being industrialized," said Hall. "Just because you can, doesn't mean you should."

"Michigan has the 'Pure Michigan' campaign and Barry County has its nature," added Turner. "It is the core of our economy."

"Many times Barry County has been called 'the Central Park of Michigan,'" said Loshier.

"We are temporary stewards for future generations," said Turner.

Hall said the local economy relies heavily on tourism dollars. A large percentage of people with summer homes and cottages in the area are from Chicago, Indiana, Ohio and other parts of Michigan, she said.

Loshier said that MLAWD has not received much push-back yet from the oil and gas industry, but they expect that to happen soon.

"I expect they'll try to paint us with the broad brush of 'environmental extremist,'" he said, "when in reality we're the conservative, reasonable party. Our lawsuit involves less than two percent of the state's total holdings of 4.5 million acres."

Looking Back: November 18 1953

Who are the natives?

By Marguerite Gahagan

The dictionary defines native as one of the original inhabitants of a place or country, especially as distinguished from strangers, foreigners, colonizers, etc.

In the north country, there seems to be two classes of people: natives and tourists.

To the native, the tourist is a stranger who comes to the woods for a brief stay, buys drinks in the local pub, and races down the roads unaware that year-round residents live there—just as year-round residents live on the streets of Detroit, Bay City, Pontiac, or Chicago.

To the tourist, the native is a part of the atmosphere—a character—somewhat apart from the sophisticated world of down below. He's the one who works his farm.

There should be a happy medium—a meeting place for common respect and understanding.

The tourist comes to the north woods because he loves it, dreaming of the day he won't be limited to a weekend, or a month's vacation.

And the native is usually—in this generation—someone who achieved that dream ten or 20 years ago, and did come to the north woods to become a farmer, or a merchant, or a businessman.

Even a cursory survey of permanent residents of the north shows that a high turnover during the past ten years changes the fine definition of natives.

It has long been said that the exceptional New Yorker is the one born in the city. Yet greater boosters of the Empire State's main city cannot be found more than in its non-natives.

It was O.O. McIntyre, the great columnist from a hick town in Ohio, that made the city of millions known in detail to the 48 states.

The native—unshaven, clothed in faded blue jeans, with worn pant cuffs and a dusty car—may be the county's prize farmer, or a retired banker experimenting with second-growth timber. He may be the local tavern keeper out visiting after a day's rabbit hunting.

He looks, dresses and acts as every tourist hopes someday to look, dress and act.

A common understanding of the wishes, hopes and desires—and the sacrifices and accomplishments—of both classes can make for better harmony and good fellowship.

The native is not a country yokel, nor is the tourist a sophisticated snob.

Both love the same thing—the north woods. One has found it; the other hopes to find it.

December 6

Eastern U.P. Advisory Council meets

NEWBERRY—The Michigan Department of Natural Resources' (DNR) Eastern Upper Peninsula Citizen's Advisory Council (CAC) will meet here on Thursday, December 6.

The 6:30 to 8:30 p.m. meeting will be held in the conference room at the Comfort Inn, 13954 State Highway M-28.

Agenda items will include DNR division reports, U.P. Deer Advisory Team recommendations, the DNR's regional state forest management planning process, an update on the proposed Crisp Point land transaction, and public comment.

It would not be surprising if the proposed Graymont limestone quarry southeast of Newberry comes up, too—at least during the public comment period.

The Eastern and Western U.P. CACs are designed to advise the DNR on regional programs and policies, identify areas in which the department can be more effective and responsive, and offer insight and guidance from member's own experiences and constituencies.

The council members represent a wide variety of natural resource and recreation stakeholder and interest groups. Agenda items are set by council members and their

recommendations are forwarded to the DNR for consideration.

The meetings are open to the public, hence the opportunity for public comment.

For more information, contact DNR Upper Peninsula Regional Coordinator Stacy Welling Haughey at (906) 228-6561.

Wanted

Correspondents

We would like to hear from quality writers & reporters interested in contributing conservation-related news from across Michigan—particularly in the northern lower and upper peninsulas, and the capitol city of Lansing.

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Michigan House Bill 5565: Public protection, or physician gag order?

Here's something that conservationists—and probably some health professionals—are scratching their heads over.

Michigan House Bill 5565—introduced last spring by State Rep. Lisa Brown (D-West Bloomfield)—purportedly addresses growing concerns about what goes into the ground when oil and gas companies drill. It would require such companies drilling in Michigan to disclose what chemicals they are using in the hydraulic fracturing process.

Protests over this technique have grown in recent months, and opponents say extraction using this method can result in air and water contamination, as well as other undesirable side effects.

"Fracking," as the practice is commonly known, pumps massive amounts of water, sand and chemical additives into a well and down the casing under high pressure. As the mixture is forced out through perforations in the well casing

into the surrounding rock, the pressure causes the rock to fracture. These fractures are then propped open with pumped sand, which enables gas and/or oil to flow from tight, or low permeability, rock to the well.

Brown's bill wouldn't prohibit companies from fracking, but would require disclosure before they could put chemicals into the ground, and force them to say whether the process is the least dangerous way to get the gas. If not, they'd have to report why a safer method isn't being used.

The bill would also allow for public comment, which has not been required before.

"This legislation would protect everyone," Brown has been quoted as saying. "It would protect the people and it would protect the companies. If they have disclosed what chemicals they are using, and the chemicals aren't dangerous, they couldn't be held liable later on."

So far, so good.

The head scratching comes when one realizes that the bulk of language in the bill details the process the industry will use to keep chemicals secret. (The industry has been exempt from regulation and disclosure of "trade secret" chemicals since 2005).

Stranger yet, the bill would require health care providers to sign a confidentiality statement—some have called it a "gag order"—before receiving chemical data needed to treat their patients.

Presumably, they would not then be able to disclose this information even to the patient, who more than anyone should have full knowledge of exposure and risks.

As a result, many conservationists are saying "no thanks" to this legislation. What good is regulation, they ask, if it means more secrecy?



The Fracking Industry

—MaryAnn Lessert photo

This photo, taken on state land in Kalkaska County, shows some of the setup and materials that go into a "fracking" operation. At one point, 44,000 gallons of toxic flow-back was reportedly collected from this site and spread on local roadways—thanks to what some have claimed was a mistaken Department of Environmental Quality permit that allowed such disposal.

Study: Gas well toxins taint air and human health

A research paper distributed following a November 12 educational meeting in Allegan says volatile organic compounds are released into the air at all stages of natural gas production.

An Exploratory Study of Air Quality Near Natural Gas Operations—published by the University of Colorado at Denver—also says that such compounds can cause adverse human health effects and/or impact the earth's ozone layer.

The compounds come from a variety of sources, the paper says, including raw natural gas released during venting; exhaust and evaporative emissions from mobile and stationary equipment; pit fluids; substances used during cleaning and maintenance of well pads and equipment; and chemicals injected underground during drilling and hydraulic fracturing.

"This is yet another legitimate, if not compelling, reason for local air emission regulation via police power ordinances, or zoning amendments—if not outright prohibition," said Jim Olson, a Traverse City-based environmental law attorney.

Olson said a case can be clearly made for such ordinances and amendments in zoning districts where people live. "But what about public lands and rural areas, where farm animals and wildlife predominate?"

The study was designed to assess air quality in a rural western

Colorado area where residences and gas wells co-exist. Sampling was conducted before, during, and after drilling and hydraulic fracturing of a new natural gas well pad.

According to the study paper's abstract, weekly air sampling for one year revealed that the number of non-methane hydrocarbons (NMHCs) and their concentrations were highest during the initial drilling phase and did not increase during hydraulic fracturing in this closed-loop system. Methylene chloride, a toxic solvent not reported in products used in drilling or hydraulic fracturing, was detected 73 percent of the time; several times in high concentrations.

A literature search of the health effects of the NMHCs revealed that many had multiple health effects, including 30 that affect the endocrine system, which is susceptible to chemical impacts at very low concentrations, far less than government safety standards. Selected polycyclic aromatic hydrocarbons were at concentrations greater than those at which prenatally exposed children in urban studies had lower developmental and IQ scores.

The paper suggests that the human and environmental health impacts of the NMHCs, which it said are ozone precursors, should be examined further, given that the natural gas industry is now operating in close proximity to

human residences and public lands.

"Some of the highest concentrations in the study were from methane, ethane, propane and other alkanes that have been sourced to natural gas operations," the paper says.

"This article adds yet more scientific basis for the Michigan Department of Natural Resources (DNR) to not lease state parks, recreation, game and wildlife management, or natural areas—and to even make sure there are adequate buffers as a condition to auctions, bidding and leases. It's also a good argument for why the DNR and (Michigan Department of Environmental Quality) should conduct cumulative impact analyses before deciding what lands should be leased at all, how they should be classified and whether some lands should be off-limits in the first place."

Olson spoke at the November 12 Allegan meeting, which covered legal tools and strategies for local governments and citizens.

"The federal exemptions and weak state legislative and regulatory efforts have left a vacuum and potentially unbridled risks," he said. "It only follows that local governments and communities should fill the vacuum with sensible land-use and nuisance ordinances to temper and control the unavoidable impacts of this massive, industrial-scale oil and gas development."

Donate now!

Memorial to conservation officers

Although no specific timeline has been set for construction of the planned Michigan Conservation Officer Memorial, fund-raising is under way and donations are being sought.

According to Michigan Department of Natural Resources (DNR) Lt. Craig Grey, the memorial will be built on the grounds of the DNR's Ralph A. MacMullan Conference Center on the north shore of Higgins Lake. Depending on the size and shape of the memorial, it might be located outside the main administration building.

Currently, there is a flagpole and commemorative plaque in that location, which were installed about 25 years ago on the 100th anniversary of the conservation officer program. That is a logical location for the memorial, Grey said, although it's possible it will be placed somewhere else on the property if the final design makes that necessary.

Grey said he would personally like to see the memorial completed within the next two years. "The sooner the better, as far as I'm concerned," he said.

Nevertheless, conservation officers—particularly those who have died in the line of duty—have already waited 125 years to be honored with a memorial, so a few more years may not matter much, according to Grey.

So far, some funds have been committed by two individuals—both members of the Safari Club International—as well as one of the Michigan chapter clubs, Grey said. "We've also raised some funds from the Michigan Conservation Officers' Association," he said.

For more information, or to contribute to the construction of the memorial, visit the Michigan Conservation Officers Association website at www.mcoa-online.net.

DNR approves experimental regs for Upper Peninsula brook trout

The Michigan Department of Natural Resources has approved five Upper Peninsula stream segments for an increase in the daily possession limit for brook trout.

The limit will go from five to ten fish, effective April 1, 2013. For the selected stream segments, the minimum size would be seven inches.

Stream segments and their tributaries include: Dead River (Marquette County), Driggs River (Schoolcraft County), the East Branch of the Ontonagon River (Houghton & Iron counties), the East Branch of the Tahquamenon River (Chippewa County) and the East Branch of the Huron River (Baraga & Marquette counties).

During the October Natural Resources Commission meeting, the DNR proposed a new Type 5 stream category with ten streams to be included. Input from anglers, however, resulted in fewer streams being selected and the removal of the Type 5 category. The experimental regulations category was added in its place.

Streams selected for this regulation will constitute three percent of the current Type 1 stream mileage available in the Upper Peninsula. During the next several years, the Fisheries Division will work with a variety of partners to assess the biological effects of the possession limit increase on the brook trout populations in the experimental regulations streams.

The stream segments are not accessible to brook trout from the Great Lakes. In recent years, rehabilitation of lake-run brook trout populations has attracted considerable interest among resource agencies, conservation groups and anglers. A variety of measures have been taken to protect these populations and the DNR has proposed future work in this management area.

Maps and written descriptions (where applicable) of the upstream and downstream boundaries for the experimental trout regulations are available at www.michigan.gov/fishing.

—Michigan DNR report

Please join the North Woods Call community today!

Opinion Page

Conservation Quote

"Like other forms of land preservation, wilderness areas are doomed to be islands surrounded by what constantly threatens to invade them, but that is what we get for learning slowly."

— Wallace Stegner

The trouble with demagogues

Now that a majority of Americans has freely chosen government authoritarianism over personal liberty—and reckless spending over fiscal restraint—here are some thoughts to ponder.

Charlatans and demagogues come in all shapes and sizes. They are not unique to one political philosophy, one gender, or one ideological perspective. Yet, in many ways, they are exactly alike.

They are showy and pretentious, bragging about their own knowledge and abilities. They use popular prejudices, personal envy and false claims to gain the power after which they lust. They are selfish, manipulative, narcissistic and dismissive of all who disagree with them. They routinely blame others for their own failings and mock anyone who shines a light on their folly.

They deceive a lot of people, because they are often quick-minded, articulate and charismatic. But they are merely masquerading as benevolent. The main purposes of their "love" and "caring" are self-aggrandizement and greed.

Since the beginning of recorded history, such people have been responsible for the worst atrocities that human beings have visited upon each other. Untold suffering has occurred because of their so-called "good" deeds.

In spite of such deficiencies, they—like the Pied Piper of Hamelin—gather huge followings of people who apparently need something to believe in, or are drawn to something larger than themselves. They play on emotions, insecurities and the natural distrust that individuals of varying backgrounds have of each other. They "divide and conquer," destroying social cohesion and civility while making huge gains for themselves at the expense of those who gather at their feet—and especially those who don't.

Even in victory, they can't seem to govern gracefully, lead with a humble spirit, or play according to the rules that they impose on everyone else. Like spoiled children, they're always gloating and making vicious remarks to—and about—those who dissent.

And they won't leave us alone. They insist on pushing their whacky and ungodly ideas on others, trying to force the rest of us—through any means necessary—to accept and validate their destructive and often immoral positions.

Yet often they succeed—for a season at least—because many of us are so much like them. Simply put, they are lovers of self, money and pleasure, rather than lovers of God. They—and we—are often boastful, proud, abusive, disobedient, ungrateful, unholy, unforgiving, slanderous, without self-control, brutal, treacherous, rash, and conceited (see 2 Timothy 3:2-3).

Pledging allegiance to such people seldom has happy, long-term outcomes. It might feel good at the time, but the day always comes when the dream collapses into reality and we are left wondering why we're worse off than we were before these handsome saviors came along with their golden words and intoxicating promises.

It's not that they don't have the occasional good idea. They do. But they don't ever seem to want to advance those ideas with honest arguments in the open court of public opinion. That's because they think they're smarter than everyone else and believe that the end always justifies the means. Even if straight-ahead honesty would be healthier for the overall civic debate and result in better solutions to the problems we face, they would rather lie, cheat and deceive to get what they want.

That way, they retain control and power over others. They prefer to demonize anyone who disagrees and are absolute wizards at redefining their opponents—even destroying them, if necessary—rather than simply putting forth their best ideas and letting listeners determine the right path forward, based on accurate and truthful information.

This is not good for a representative republic such as ours. And it's not good for the soul and spirit of the land. But it has gone on for a long time—and so do our repeated efforts to solve the same old problems.

Demagogues don't really want to fix things. They only want to leverage issues to their own advantage. A nation of free and self-determining people deserves much better than this. But we have to want it. Right now, it appears that we don't.

Perhaps one day we will believe what we see with our own eyes and hear with our own ears—rather than blindly embracing the destructive schemes of despots. And maybe we'll learn to care more for each other—regardless of our differences—than we do for the foolish gamesmanship of these so-called "leaders."

For now, however, it seems as though we're collectively in danger of becoming like the biblical fool who is "always learning, but never able to acknowledge the truth."

Wading Spring Brook: A simple taste of freedom

The currents of Spring Brook flowed through my childhood with a quiet insistence that offset the rumbling freight trains screeching over the old CK&S tracks near our rural home.

The gently moving water passed through land marked by the ruins of a turn-of-the-century fish hatchery and drained across my father's property, before meandering along the cinder-coated rail bed on its way to the Kalamazoo River—and, ultimately, Lake Michigan.

My friends and I spent many seemingly endless days in and around Spring Brook—our four-season playground. We waded in the leg-numbing water, built rafts, fished for elusive trout, swam (sort of) over the sand and gravel bottom, and explored the bends and wetlands that defined its path. Brook and brown trout were plentiful in those days, as were water snakes, crayfish and a host of colorful songbirds that made the trees and swamp grass their home.

We built stout dams at our best swimming holes and packed them with rocks, mud, grass and water-cress—anything to make the pools deeper and more inviting in the dog days of August. We hand-dug small ponds, stocked them with "tamed" frogs and waited for the occasional heavy rains that would flood the lowlands and allow us to navigate the normally shallow stream with rubber inner-tubes and plastic boats.

Book Review

Plastic Ocean: By Capt. Charles Moore (w/Cassandra Phillips)

When Tom Dale of the Gahagan Nature Preserve suggested we read this book, he said, "It will rock your world."

It has.

It is a story about the author's discovery of a vast "plastic soup" in the North Pacific Ocean—a place where plastic outweighs zooplankton, the ocean's food base, by a ratio of six to one.

In *Plastic Ocean*, Moore unveils his ominous findings and examines the hidden properties of plastic. From milk jugs to bottle caps to polymer molecules small enough to penetrate human skin, plastic poses a potent threat to vanishing marine species and their fragile habitats, he says.

Unchecked, this problem may soon threaten human

North Woods Journal

By Mike VanBuren



The rainstorms usually washed out our dams—the ones that hadn't already been torn apart by Michigan Department of Natural Resources personnel—but we were undaunted. There would always be another day and another dam. The loss was well worth the joyful ride in the roiling whitewater when the big rains came.

This was liberty—kid style—back before the pressure of adult responsibilities invaded our lives and took us away from the refreshing streams of our youth. We were captivated by the constant motion we experienced in Spring Brook, or witnessed whenever the huge trains passed by with a friendly wave and loud whistle blast from the engineer.

"Moving is the closest thing to being free," wrote songwriter Billy Joe Shaver. I couldn't agree more.

We were constantly on the move during those halcyon days along Spring Brook. Everything was a grand adventure and life was to be lived to the fullest before it was gone.

Years later, when I was burdened by the daily grind of a job and the tyranny of bosses, I returned to Spring Brook with my own children. We waded several

hundred yards up the stream bed and I tried to explain what it was like when the freedom of a happy childhood reigned supreme in my own life.

I doubt that they understood it at the time, although they might today. But that short trek into the nearly forgotten recesses of my past helped me remember the beauty of simple things shared with family and friends—and the importance of nurturing a free spirit.

Many of the people who have floated in and out of my life over the years have since gone on to greater rewards. Others—including me—have been dramatically reshaped by the vagaries of living and working.

But there was a time when we ran as free as Spring Brook—when there were more days ahead of us than behind us—and we gloried in the exhilaration of the clear, cold water.

My prayer this holiday season is that each of us rediscovers the sweet taste of freedom—away from the cultural pollutants and bureaucratic obstructions that too often impede our progress—and find renewed hope in the continuous flow of our rapidly advancing years.

health and well-being, according to Moore.

(Our friend and former colleague Jeff Alexander—a superb environmental reporter—has written in his blog about similar issues in the Great Lakes).

This is scary stuff. What is now getting in the oceans comes mostly from non-point sources that can't be traced to individual polluters, Moore says. It comes from beaches, roadsides, cars, parks and stadiums, he says, and escapes from the backs of garbage trucks and overflowing garbage cans.

Ocean dumping may be deliberate, or inadvertent, Moore says, but it is nearly always preventable.

If you care about the future of our environment and want to know what you can do to help, you'd better get this book. It will rock your world, too.

Plastic Ocean
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A Newshound Publication

The Warriors of Barry County

After spending a few hours recently with members of the Michigan Land Air Water Defense organization, we are inspired and impressed by the passion and tenacity of these citizen activists.

The non-profit group has mounted a serious and formidable resistance to the growing threat of hydraulic fracturing, and the related sale of oil and gas leases within the Barry and Allegan State Game Areas, as well as in the Yankee Springs Recreation Area.

We do not see why these special natural areas held in the public trust need to be exposed to this type of unconventional industrial activity and so we applaud Mlawd for challenging the Michigan Department of Natural Resources over this matter.

We hope the organization's

grassroots lawsuit against the agency becomes precedent-setting and encourages citizens in other parts of the state to take up the fight.

It seems inexplicable why elected government officials and state bureaucrats don't see the inconsistency of selling mineral rights on public lands that were specifically set aside for hunting, fishing and general recreation purposes. Why is it up the citizens of Michigan to do the job that those who work for them should be doing?

And where are the other major conservation organizations in this dispute? Why do so many of them appear to be sitting this one out?

Your fellow citizens are sacrificing personal time and resources to carry on this battle. They deserve your encouragement and support.

Letter to the editor

Proposed strip mine threatens access to public land and requires united resistance

Editor:

I read in your mid-November issue (page 4) a request for information regarding a limestone-dolomite strip mine application in Mackinaw County, in the Upper Peninsula.

While I probably cannot add many specifics regarding the mine per se, I can discuss what my brother and I have learned about the proposal thus far—and vent a little.

I am a lifelong (58 years) resident of the eastern Upper Peninsula and have hunted extensively in the proposed strip mine area for over 40 years. The area in question lies between the historic Fiborn Quarry near Trout Lake, to Hendricks Quarry, north of Rexton. The proposed mine area covers approximately 5,000 acres!!! The land in question is largely state-owned, with only a handful of small private holdings, and lies in the heart of the Lake Superior State Forest.

While hunting this October, we passed by several unusual "utility" vehicles, which we later discovered were conducting "core-sampling." We later discovered many locations throughout the area where core samples had been taken. We spoke with another hunter who had asked these workers what they were doing, but he indicated that the workers were not forthcoming with any details.

Similarly, we spoke to Michigan Department of Natural Resources (DNR) staff in the Newberry office, and they, too, were quite "tight-lipped" about what was being proposed. However, they did acknowledge that an application was being submitted for an open pit "strip" mine in this area—but they could not discuss it further.

In an effort to research the mining company's status, we were able to locate the attorney for the company, who verified the application. At that time, the attorney gave us a name for the mining company that was simply the Township/Range LLC. Since that time, we believe the name of the parent company is "Greystone", but we have not been able to verify that yet.

Needless to say, we were shocked to hear of this proposal. After over 40 years of hunting throughout this entire parcel, the thought that it could be "sold", and then physically removed from the face of the earth—forever, via strip mining—seemed incomprehensible.

The area in question is a unique mix of diverse woodlands and soil types ranging from, wetlands, swamps, natural openings, and ridges. It is hunted and traversed fairly heavily, but after all these years has been able to maintain its wilderness flavor. It is also heavily logged, and has been since the early 1980s.

A system of historic two-track roads, and intermittent logging roads provides adequate, but not excessive, access throughout the area. In most places, it would be difficult to walk a half-mile in any direction without changing forest and/or soil types several times. In short, this land is unique, historic, and irreplaceable.

Once we discovered this potential travesty, we began trying to build a coalition to oppose the sale and destruction of yet more public access land in the State of Michigan.

We distributed simple "fliers" informing the few private landowners in the area that a mine was being proposed, which would certainly destroy the land surrounding their parcels (or the mining company would propose to buy their property). Some of these hunting camps have been in existence since the 1940-50s. We wrote an initial informational e-mail to the Sierra Club and the Michigan United Conservation Clubs, but have not had time to follow-up with those organizations. Perhaps this (letter) to the *North Woods Call* will be seen as additional coalition building.

Of course, for many Michigan hunters and outdoor enthusiasts, a strip mine "way up" in the Upper Peninsula might not have much meaning. However, I would argue the opposite.

Over the years, hunters/fishers and other outdoor users have been forced to address many threats to their forest land and outdoor activities. These threats include excessive logging, anti-hunting campaigns, invasive species, ineffective management, wildfires, etc. While these issues are all valid concerns, they

pale in comparison to the greatest threat (i.e. the loss of access to public lands). Furthermore, in the case of open pit strip mining, the very loss of the land itself.

Outdoorsmen and women in Michigan need to unite on land access issues, regardless of where you live, or conduct your outdoor activities. There is a "nibbling effect" ongoing, whereby public access land is lost—or threatened to be lost—continuously throughout Michigan. These may appear individually small, but they quickly add up and paint a very gloomy picture for both present and future generations of outdoorsmen.

The incremental loss of public land access has other unintended consequences. The DNR frequently expresses great concern with regard to declining participation in hunting/fishing activities and associated license sales. Will the removal of yet another large tract of land further exacerbate this decline? Of course it will!

Permanent and/or temporary loss of public land access, resulting from public land sales, excessive logging, or wildfires, which might occur in one location, simply forces outdoor users to the remaining areas where access is still possible. This crowding effect, in turn, can lead to increased wildlife and forest management challenges, as well as user conflicts.

I could go on, but I think you understand the philosophical problem associated with declining public land access.

Residents of the state need adequate land—of quality—to participate in the outdoor experience. I fear that the future is moving toward a situation where only those who are fortunate to own large enough tracts of land—or know someone who will give permission—will be able to participate in hunting and other woodland experiences.

As mentioned above, the area of the proposed strip mine is a unique land access site. In addition to the loss of access to the public, the loss of wildlife habitat, including wetlands, would be tremendous. A strip mine will never "recover," as would a fire or clear-cut. The loss is "forever" and that is a concept that many folks in this area have a difficult time comprehending. Strip mines are not a force with which Michigan residents are familiar, but the ultimate impact of strip mining is the reality that present and future generations would simply have less "wilderness" to use and enjoy.

As is typical of most destructive land proposals, we expect the mining company and other proponents to dangle the carrot of a few "gold rush" jobs that would be associated with the mine, as well as temporary revenue to the State of Michigan through the sale of the land and mineral rights. But as we all know, once the rock is gone, so too will the jobs be gone, and the temporary revenue to the state will be spent. However, what will remain is the obscene hole in the ground that has no value—monetary or practical—to anyone. While I would not diminish the importance of employment, as a society, we always need to ask ourselves, "At what price?"

We also question ownership and investors in the parent mining company. Since the residents of Michigan must pay the ultimate price of permanent loss and destruction of the land, we need to know who would benefit from the mine if it is approved.

In closing, I hope the *Call* will join in the effort to oppose the sale of this environmentally diverse, high-quality, high-use public access land. We are not sure where the mine application stands within the DNR at this time, nor how the DNR will respond and address it, but we sense urgency, and we don't trust that the public review process will be adequate. We fear this process has already moved far "down the line" in a quiet, hurried fashion.

Thank you for your time.

Tom Gorenflo
Brimley, Michigan

Tom, Thanks for the thoughtful letter. The company name is Graymont. We're told that a subsidiary—Town 44 North—has been doing the preliminary exploration. See the related story on Page 1.

— MV

The Wild Nearby

By Tom Springer



From the war to the woods: A Thanksgiving homecoming

It was, I suppose, a coincidence. Although in the way of coincidences, there was a whiff of the mystical about it.

It started at 5 a.m. in Albuquerque, where I'd gone for a business trip. I had a plane to catch, but the dry air (OK and some beers the night before) had given me a headache. I dug around in my grungy shaving kit for some ibuprofen, but no luck.

But I did find something useless to my hung-over condition: a little mirror emblazoned with the Big Dipper, bayonet and mountain insignia of the Army's 172nd Infantry Brigade. It was a souvenir from a long-ago visit to Fort Richardson, Alaska. I was in the National Guard then, so the mirror came in handy for shaving in the field.

"Great," I muttered, with throbbing temples. "How come I'll drag around crap like this for 25 years, but can't remember to buy Advil?"

In short order, I'd find out.

My flight stopped in Atlanta to await my connection to Grand Rapids. There, at my departure gate, a soldier stood transfixed near a TV running a story on Afghanistan. You see plenty of soldiers at this airport—near as it is to Fort Benning. They're usually privates fresh from basic training, as gangly and hyper as spring colts.

Not this trooper. His boots were run down, his fatigues frayed and grimy; his neck burned angry red by a fierce sun. The look on his face said it all: disgust, resignation, exasperation and soul-crushing exhaustion. He might as well have written "Combat Vet" across his forehead with a Sharpie pen.

Then, as he wearily shook his head and turned away, I saw it. On his left shoulder was a unit patch—with a bayonet, the Big Dipper and mountains.

"No ... freaking ... way," I thought, recalling the mirror. "Of all the people in this airport, the guy next to me is in the 172nd Infantry."

Minutes later, we both got in line for the same flight to Grand Rapids. And of the plane's 200-odd passengers, guess whose seat was next to mine?

Once aboard, "Alex" was eager to talk. Forty hours earlier he'd been on a bare-assed mountain in Afghanistan, reachable only by helicopter—and Taliban fighters. Its red dust still clung to his fatigues. And as Alex spoke of war, his voice—tense and oddly detached—sounded as if he was still there.

"Man, on Thanksgiving Day we were takin' sniper fire. So I opened up with a Ma Deuce (.50 caliber machine gun) ... The concussion had me bouncin' off the rocks ... Then we called in artillery and CBU's (air-dropped cluster bombs) ... A while later, a chopper radioed and said, 'You just spent about \$2 million to kill one guy ...'"

I can listen to war stories all day. But something told me that this wasn't why I'd been placed here beside him. He badly needed to prepare his heart for home.

"So," I ventured, "you gonna hunt deer during your leave?"

"Are you kiddin' me?" he blurted out. "I'll be out tomorrow morning! Me and my dad built this great blind that's like an apartment! He owns an archery shop. I love to bow hunt ... and, uh, I really don't want to touch a gun while I'm home."

No, I suppose not.

So for a half-hour we spoke instead of sacred Michigan: of secret lakes and fat bluegills: of silvery Coho in the Pere Marquette; of cagey bucks and wily turkeys—things he knew, loved, and yes, could hunt and kill with a modicum of grace.

As the conversation eased, I noticed something hopeful. The timbre of Alex's voice had lowered a few registers. To speak again of the north woods had been a restful tonic. I dare say he began to sound more like himself—more Michigan boy than paratrooper. You could almost hear the rustle of white pines creep back into his voice.

As we neared Grand Rapids, I give Alex the mirror, but it was anticlimactic. The real mirror had been a hung-over stranger; one who helped him reflect on the wild, green salvation of home.

A note to letter writers

All letters must be signed. Please include your name and mailing address (e-mail address, too, if you don't mind).

We won't publish addresses or phone numbers, but we must have them to verify that letters are authentic. No unsigned letters will be used. It's OK for your signature to be electronic.

Calling all store owners

If you own a store and want to stock *The North Woods Call*, please contact us. Let us know who you are, where your store is located and how much commission you would want from sales. We may be able to accommodate you if we can find a cost-effective way to deliver the product to you.

editor@mynorthwoodscall.com

More Opinion

Outdoor Rhythms

By Doug Freeman



A diverse slab of nature

The pole building was one of two on the property, a typical Michigan farm structure; corrugated aluminum sheets nailed to a solid wooden framework. For many years it served a useful purpose, providing shelter and winter storage for various pieces of farm equipment, mostly tractors and haying rigs.

The Memorial Day storm of 1998 changed that.

Sliding doors were ripped off and entire sections of the roof were found days later in a neighbor's field, a good three-quarters of a mile distant. Damage to the building was extensive. What was left was eventually torn down for salvage value, leaving only the floor—a 30- by 120-foot slab of reinforced concrete. Designed to hold the weight of heavy equipment, the floor was a massive 16 inches thick and, consequently, would have been very expensive to remove.

Choosing not to rebuild, the owner likewise opted to leave the slab in place. Over a period of years, grasses and wild plants began to sprout in the expansion joints. Cracks caused by our region's pronounced freezing/thawing cycle provided another foothold for vegetation growth.

A big-toothed aspen established itself in a hole that originally held a support beam. Choke cherries, junipers, and autumn olive bushes came up on their own around the edges, nourished by the slab's runoff water. A scattered handful of evergreens and hybrid poplars were planted later to improve wildlife habitat, as well as to enhance aesthetics.

Fourteen years have passed since the big wind and the weathered slab now seems to be its own mini-ecosystem. Deer mice, voles, and shrews can be seen racing between covers across the still-open patches of concrete. Numerous small birds have taken residence, flitting constantly from shrub to shrub. A dozen species of butterflies are easily tallied on a sunny summer afternoon, attracted by the area's wildflowers.

To further appreciate this small rebound of nature, I hauled an old oak picnic table to one end of the slab. It's a great location to watch

the animal life, not to mention sunsets and cloud formations, and an appropriate place to pray and meditate in God's outdoors.

Warm weather brings in a variety of larger creatures. Sandhill cranes and an occasional great blue heron show up in early evening to feast on the multitudes of grasshoppers. Even a few reptiles pass through—garter and red-bellied snakes bask in the sunny spots, ever alert to moving shadows and vibrations. More than one snapping turtle has traversed the slab, probably on its way to a different body of water. A small turkey flock also appears at odd intervals, taking advantage of available seeds and berries.

Something almost magical happens after a heavy rain. The low side of the slab floods, creating foot-deep clear pools—providing at least a temporary boon for toads, tree frogs, and the infrequent salamander. The water always drains away after a day or so, leaving no obvious evidence.

When colder weather arrives, activities shift. Rodents and hardier bird species still hang out on and around the slab. A neighboring farmer recently reported that a sleek-looking male red fox was perched upon my picnic table one fall afternoon, intently observing the operation of his harvester. Skunk diggings are everywhere as they search for juicy insect larvae. To meet one of these fascinating animals of the weasel clan, one usually has to be outside during the hours of darkness. They're easy to get along with if you don't startle them.

Winter winds and deep snow reveal rabbits you didn't even know were in the vicinity. Tracks tell their story. Coyotes are also present, using their long legs and acute senses to catch rodents under the snow, and any rabbits that don't dart quickly enough into one of the strategically placed brush piles. Deer cross the slab in winter, and may nibble on evergreens if they're hungry enough.

Any area, however small it seems, (even an abandoned piece of concrete in the country), can evolve into good wildlife habitat.

Our personal choices and actions do make a difference.



Glass Creek

The Michigan Department of Environmental Quality (DEQ) has named Barry County's Glass Creek one of the most important water bodies in the state for conservation efforts. And the Southwest Michigan Land Conservancy—in partnership with the Barry Conservation District, Michigan Audubon Society, Michigan Department of Natural Resources, Pierce Cedar Creek Institute and Tyden Ventures—was awarded a \$270,499 matching grant by the DEQ to permanently conserve land in the Glass Creek watershed. Yet, curiously, this pristine stream flows through the Barry State Game Area where mineral rights have been auctioned by the state. Local residents are understandably worried about potential environmental damage due to oil and gas drilling activities, particularly hydraulic fracturing (see Page 1 story).

For local communities

Legal strategies and tools to prevent “fracking”

With all the recent commotion about hydraulic fracturing in Michigan, it might be helpful for local communities and citizen groups to review these excerpts from a fact sheet published by FLOW (For Love of Water), a public policy organization with an office in Traverse City:

Legal Overview: Who is in charge?

The natural gas and oil industry is exempt from key federal environmental laws, including the Safe Drinking Water Act and the Clean Water Act.

States are primarily responsible for regulating fracking activities, and yet this industry is largely exempt from key water statutes like Michigan's codification of the Great Lakes Compact, which was designed to protect this state's most treasured resource.

Under Michigan's Great Lakes Compact statute, local governments are expressly prohibited from enacting an ordinance that regulates a large quantity withdrawal (more than 100,000 gallons per day).

Under Michigan's Zoning Enabling Act, local governments also are prohibited from enacting or enforcing an ordinance that regulates permit issues related to the location, drilling, completion, operation, or abandonment of such wells.

Thus, if the federal government has deferred regulation of the oil and gas industry to the states, and the states have exempted the industry, and the local governments are prohibited from regulating the actual wells, who is regulating the industry? And what can citizens and local governments do?

Local Zoning and Police Power Ordinances

One approach townships can take is to adopt carefully crafted zoning or police power ordinances to protect Michigan's air, water, resources and property—and the health, safety and welfare of residents and communities—from the unprecedented impacts and harmful risks of fracking, and related oil and gas drilling processes.

The two principle statutes delegating local government legal authority to address oil and gas development—like hydraulic fracturing and related processes—include the Michigan Zoning Enabling Act of 2006 and the Township Ordinance Act of 1945. Both acts provide townships and counties legal authority to adopt either zoning ordinances that govern land use, or police power ordinances that govern health, safety and pollution issues associated with unconventional hydrocarbon development.

Despite the Zoning Enabling Act's prohibition to regulate oil and gas wells or operations, townships do maintain some zoning authority to regulate related oil and gas activities and equipment. These include natural gas pipelines, flow lines, gathering lines, treatment or production facilities, compressors, water and

chemical mixing stations, emission releases, high truck traffic and transportation issues, land impact, odors, noise, the handling, re-use and disposal of wastewaters, and hazardous solids or liquids.

The Township Ordinance Act authorizes a township to adopt police power ordinances, which are distinct from zoning ordinances, because they can only regulate harms and activities, rather than land uses. Thus, townships could adopt police power ordinances that reasonably relate to the transport, disposal, and transfer, diversion, use, or handling of “produced” water and chemical mixing for fracking.

Michigan Environmental Protection Act (MEPA)

MEPA empowers each citizen of the state to act as a private attorney general “for the protection of the air, water, and other natural resources and the public trust in these resources from pollution, impairment, or destruction.” MEPA applies to oil and gas orders, permits and proposed projects unless there exists “no feasible and prudent alternative.” MEPA also applies to agency actions approving, licensing, or permitting conduct that is likely to harm or impair, pollute or destroy the “air, water, natural resources, or public trust” in those resources. MEPA is applicable at some stages in the local zoning process because “zoning, as it authorizes land use, can ultimately affect natural resources.

Citizens can apply MEPA to intervene in permit and other government proceedings both by statute and common law authority. Townships can apply MEPA to amend and incorporate MEPA duties and standards into their existing zoning ordinances or police power ordinances.

Fracking Moratorium and Ban Ordinances

Another successful local strategy adopted by some townships is to enact a fracking moratorium ordinance that delays oil and gas exploration for a finite period of time (eg. 6-12 months) so that the local government can study potential impacts. The Township of West Bloomfield, Michigan, adopted a one-year moratorium in September 2012 to fully explore the potential irreparable harm to the natural resources and environment within the township.

If not drafted carefully, fracking ban ordinances may be more prone to claims of invalidity because they totally prohibit a land use within the township, which violates “exclusionary” zoning principles. Just this month, the New York State Supreme Court invalidated the ban ordinance of the City of Birmingham, New York. However, by tailoring an ordinance to a specific geological formation, or a specific geographical area, townships may avoid the argument that there has been an outright prohibition of oil and gas development per se and categorical “takings” claims from the oil and gas industry.

Sturgeon poacher nabbed

The Michigan Department of Natural Resources and the Clay Township Police Department jointly captured a Sterling Heights man for taking sturgeon out-of-season.

Wadhah Noori Jabro was cited for an incident that occurred in St. Clair County. Conservation officers Todd Szyska and Kris Kiel were on patrol—looking for illegal shining activity in Macomb County—when they received a RAP (Report All Poaching) call that originated with an anonymous citizen. The citizen provided the RAP line attendant with a description of the suspect's vehicle and license plate number.

Jabro had a 61-inch sturgeon, without a proper license and minus a mandatory sturgeon tag. Oh, and the season was closed, too. The offense is punishable by a fine of up to \$2,000, restitution of \$1,500 and loss of a fishing license for three years.

Conservation Officer Logs (10/29/12 through 11/11/12)**Pop-a-top: Open beer and uncased shotguns result in trouble for grandpa****DISTRICT 1**

CO Mark Leadman worked a late shooting complaint located at a road intersection with a power line right-of-way running diagonally through the intersection. At dusk Officer Leadman watched a vehicle stop at the intersection. The driver got out and got a beer from the bed of the truck, then got back into the cab and sat at the intersection drinking his beer until well after dark. When the vehicle left CO Leadman followed it to a nearby residence where he contacted the driver and his young grandson. Besides the open intoxicants, two uncased shotguns were found. Enforcement action was taken.

CO Brian Bacon was checking illegal stands found during archery season when he came upon a vehicle near one of the locations. Contact with the driver revealed he was the owner of the nearby illegal stand. He stated he was coming out to see how much bait his brother had put out for him. CO Bacon had already found an excess of two gallons of bait at the spot. An uncased cross-bow and rifle were found in the back seat of the truck. Enforcement action was taken.

DISTRICT 2

CO Brett Gustafson had an odd conversation with a subject in a deer camp. The hunter told the CO that he would never find his hunting location and therefore wouldn't be able to issue a ticket for his illegal deer blinds and stands. By day's end, the CO located the hunter in his deer stand and informed him that he also found his blinds. The subject had built his blinds and stands in a permanent manner on state land. He also failed to put his name/address on them and utilized illegal screw-in steps at his tree stands. The subject was ordered to remove his illegal blinds and stands and was issued a ticket for the illegal stand and screw-in steps.

DISTRICT 2

CO Mike Evink responded to a complaint of a dog caught in a trap. When he arrived, he found the trap did not have an identification tag attached. Several other traps without tags were found in the area. CO Evink left his business card at the location and the following day the owner of the traps called him. The traps were returned and the owner was ticketed for failure to tag his traps.

DISTRICT 3

Responding to a shining and shooting complaint, **CO Jon Sklba** heard a gunshot when he got to the complaint area. He then observed a vehicle casting a spotlight in a partially harvested crop field. The vehicle turned and left in a different direction upon see-

A NOTE TO READERS:

These are brief excerpts from the CO's bi-monthly field reports. To conserve space, we have excluded the more routine activities in favor of what we think are the most unusual and interesting.

If you want a more complete log than we are able to provide, you can find an archive of them under the Law Enforcement tab on the Michigan Department of Natural Resources website.

ing CO Sklba's patrol truck. CO Sklba stopped the vehicle later and contacted the lone occupant. The occupant stated they were shining for deer, but when the CO attempted to shine his flashlight into the vehicle, the subject slapped the CO's hand and flashlight down and drove off. CO Sklba pursued the subject and the vehicle stopped again. Again, upon approaching the driver and attempting to shine his flashlight into the vehicle, the driver slapped his hand downward. The subject was then arrested and lodged in the county jail. A loaded rifle magazine was found in the front seat of the vehicle, but no rifle. The following morning several COs checked the crop field and found seven deer that had been freshly shot and left to rot in the field, including a seven point buck. A subsequent search warrant resulted in rifles, ammunition and several deer heads being seized. The investigation continues and warrants are being sought.

CO Nick Torsky received a complaint of hunter harassment where a vehicle had been parked within 20 feet of a tree stand. When CO Torsky arrived he discovered that the complainant had driven his ORV in prohibited areas without registration, and was hunting over bait in a prohibited county. When the driver of the vehicle returned it was determined that the parking was done without malice and that he did not see the blind when he parked there. The complainant was ticketed for operating an unregistered ORV and warned for his other violations.

CO Nick Torsky received a complaint of a person trying to sell a fox and raccoon on e-Bay. When he arrived at the suspect's house, he found a raccoon wearing a pink harness chained to a dog house. CO Torsky contacted the homeowner, who provided paperwork showing that she had gotten the fox from a captive breeder, but the raccoon had been taken from the wild. She tried to sell it when she learned it was illegal to have. She was ticketed for possessing wild animals in captivity and the raccoon was seized.

DISTRICT 4

While on patrol, **CO Sam Koscinski** located a hunting blind that was rigged with electricity. CO Koscinski ran surveillance on the blind after dark on several occasions and on one of the checks observed a light beam being cast from the blind. A check of the

blind found it to be occupied by a subject in possession of a cross-bow and a spotlight. Enforcement action was taken.

CO Angela Greenway responded to a complaint of a subject who had placed an excessive amount of bait and was hunting without permission on a neighbor's property. CO Greenway determined the identity of the subject trespassing and met him at the location of the bait. The subject explained that he did not know he was on the neighbor's property, but could not explain how he had missed the numerous "No Trespassing" signs near his blind and bait. The subject was ticketed for the baiting violation and ordered to remove the bait and hunting blind.

CO Carla Soper responded to a complaint of a subject carelessly discharging a firearm onto his neighbor's property. Once on the scene, CO Soper found that the suspect had been target shooting using only a piece of thin sheet metal as a target without any backstop. The bullets had been flying onto the neighbor's property near his hunting blind. CO Soper checked the subject through LEIN and found that he had a Personal Protection Order that prohibited him from possessing firearms. Troopers from the MSP assisted on the scene allowing CO Soper to further search the shooting location. CO Soper was able to locate a bait pile on the suspect's property that was grossly over the baiting limit. Enforcement action was taken.

CO Carla Soper responded to a complaint where a subject trespassed to retrieve a deer. CO Soper stopped at the suspect's residence to discuss the situation with him and check his deer. As they were talking in the front yard, CO Soper observed two large marijuana plants growing in the flower bed and asked why they were there. The subject stated that he was going to attempt to obtain a medical marijuana card, but thought he would try growing some first. CO Soper passed on the information to the local narcotics team for follow-up.

CO Mike Wells was riding with an airplane pilot during a night reconnaissance flight when he observed a dim light being cast along a roadway with no vehicle lights visible. CO Wells directed **Sgt. Michael Bomay** and **CO Troy VanGelderren** to the area, where they were able to locate an Amish horse buggy with two hound dogs attached to the buggy—shining for raccoons along the roadway. The two occupants had harvested several raccoons and failed to purchase any licenses. The raccoons were seized and a ticket was issued for the license violation.

DISTRICT 5

CO Warren MacNeill was contacted by a detective with the Michigan State Police (MSP) regarding a manhunt being conducted along the Au Sable River. He was told that a rescue rig pulling an airboat had been stolen out of a township fire hall. The truck and empty trailer had been located in a ditch close to the Au Sable River. A search party comprised of MSP troopers and local deputies were combing the woods surrounding the location of the truck. CO MacNeill responded to the area and located the subject walking down the edge of the road. Officer MacNeill arrested the subject and held him until troopers arrived.

CO Warren MacNeill received a request for assistance in searching for a lost elderly man suffering from dementia who had not been seen in a few days. Deputies were searching the federal land around his home in an attempt to locate his vehicle. With all deputies in the woods, CO MacNeill went to the Community Center and located the missing subject's vehicle along with about 10 other vehicles. After interviewing neighbors near the Community Center, CO MacNeill was able to determine the "missing" subject was actually on a casino bus tour.

CO Jason McCullough received a complaint of a subject who had shot a buck with a .22 rifle while he was squirrel hunting. When the CO contacted the subject and checked the deer, the subject tried to conceal the bullet hole by sticking an arrow through the wound after the deer was field dressed. After being shown the evidence, the subject confessed to his actions and was charged with taking the deer during the closed season.

DISTRICT 6

COs Jeremy Payne, Quincy Gowenlock, Steven Lockwood and **Jason McCullough** have been working on a case where six subjects were charged with the illegal taking of bobcats in four different counties. The illegal taking, which included hunting and trapping was traced back to 2004, and occurred in Montcalm, Isabella, Roscommon and Clare Counties. The six subjects each lost their hunting privileges for four years, their firearms were condemned, and they paid fines and restitution totaling \$8,300.

DISTRICT 7

CO Cary Foster was checking area streams when he located body gripping traps illegally set on dry land. The traps were tagged and the owner, who was located, advised he had not reviewed the trapping regulations as carefully as he should have. The trapper was very cooperative and removed approximately 15 similarly set traps, but was ticketed for setting them prior to the open season and warned on other violations.

DISTRICT 8

CO Rich Nickols stopped by a couple taxidermists during the past week to check on business after the EHD outbreak. At each of the taxidermists, CO Nickols located a set of antlers where the kill tag was purchased after the date of kill listed on the DNR specimen tag. One of the kill tags was purchased five days later. The antlers were seized. Follow-up interviews and likely warrant requests will be done sometime in the near future.

DISTRICT 9

CO Mike Drexler was investigating a subject who was trespassing on private commercial property. The subject was utilizing the bright factory lights to hunt deer after hours. With **CO Kris Kiel** and **Sgt. Arthur Green**, the COs set up surveillance on the property after dark and contacted the suspect as he exited almost three hours after legal hunting hours had ended. In addition to recreational trespass, the subject was trespassing on railroad property, hunting deer after legal hunting hours, and hunting deer with aid of artificial light. Enforcement action was taken.

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Final Shot



North Country Wisdom

This sign, spotted outside a popular restaurant in Luzerne, reminds us to slow down to enjoy the north woods scenery—and avoid any potential mishaps with cars, pedestrians, or white-tailed deer. It also brought back memories of a similar posting we saw 40-plus years ago on the outskirts of Tincup, Colorado, during an early road trip with friends from high school.

DNR creates walking trails for hunters

The Michigan Department of Natural Resources (DNR) has been converting some old logging roads into walking trails for hunters.

The project, DNR officials say, not only allows better access to sportsmen, but also are designed to attract game species. The trails, they say, are an excellent place from which to seek out a variety of wildlife—deer, small game, and upland game birds—or to introduce young hunters to the sport.

“We’ve done this sort of work for years,” said Monica Joseph, wildlife biologist in the DNR’s Crystal Falls office. “We’ve focused a lot of deer habitat work along hunter walking trails, usually on state forest land often using Deer Range Improvement funds.

“Now we’re working with hunting groups—and not necessarily on state forest lands. For instance, we’ve used Woodcock Initiative money for similar projects on school forest lands. These resources are well used by hunters, anyway, and they are open to the public.”

To learn more about available hunter walking trails, contact your local DNR office.

Fish Tales: Boosting Great Lakes muskie populations

Michigan’s muskellunge program turned a huge corner last month when the second crop of Great Lakes muskies produced at a Department of Natural Resources (DNR) hatchery was distributed across the state.

The DNR has been raising muskellunge (for stocking) at state fish hatcheries for decades, but had always used northern muskies—one of two strains native to Michigan—for broodstock. This is the second year the DNR produced strictly Great Lakes muskies.

Northern muskies are native to a few areas of the Upper Peninsula, while the population of Great Lakes muskies (also known as spotted muskies) is more widespread. The DNR began its program with northern muskies because broodstock were more readily available. As a result, numerous lakes in Michigan have been stocked with the northern-strain fish.

“The Great Lakes strain of muskie is indigenous to most areas of Michigan, and there are fewer restrictions on where we can stock this strain,” said Matt Hughes, fisheries biologist at the Wolf Lake State Fish Hatchery in Mattawan, where the muskies were raised. “We want to rebuild our Great Lakes muskie numbers, so using this strain allows us to get them into more Michigan waters.”

Fisheries biologists had also noticed that, as hatchery-reared northern-strain fish move downstream through the watershed, they often wind up in places where Great Lakes muskies are found. That could lead to breeding between the two strains and a genetic degrading of this unique fish, they said.

Biologists decided the outstanding Great Lakes muskie population that has developed in the Lake St. Clair system over the last several decades could now

serve as a source of broodstock.

DNR Fisheries Division crews collected adult muskies this past May by electrofishing the Detroit River. The fish were spawned on site and the eggs were transferred to the Wolf Lake hatchery for rearing.

The 1.2 million spawned eggs produced 550,000 fry, which were raised in the lab at Wolf Lake for approximately two months until they were 4 to 5 inches long. Roughly 45,000 of them survived and were transferred to four lined, three-quarter-acre ponds on the hatchery grounds.

Of those, 3,000 fish were given to Wisconsin to supplement the genetics of their Great Lakes muskellunge program, which also provides an additional backup broodstock supply for Michigan’s program.

DNR personnel drained the ponds and collected slightly more than 28,000 muskies, which were transported to 18 sites across the state, including Thorapple and Big Bear Lakes.

Switching to the Great Lakes strain was a huge undertaking, DNR officials said, in terms of management practices, and was technically difficult. Each fish that has been stocked cost between \$3 and \$6 to produce, they said.

The muskies are fed heavily from the time they hatch until they are stocked. “By the time they leave the lab, they’re being fed every 15 minutes, twenty-four seven,” said Hughes.

The young muskellunge are then transplanted to ponds pre-stocked with minnows. Hughes said the ponds produced well, despite ongoing predation. “I think everyone is pretty happy,” he said. “It’s been a pretty successful season.”

—Michigan DNR report



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