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Looking for a Christmas gift idea for the outdoor lover?
Why not give The North Woods Call?
(See Page 8)

www.mynorthwoodscall.com
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 bot- tom deposit law and a referendum 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 re- newable 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 creation. 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 imple- mented two years ago—will increase to $11 on January 2, 2013. The price hike is based on a “statutory requirement,” according to state of- ficials, 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, recre- ation areas and forest campgrounds.

DRUGS & FISH: Scientists have known for years that human med- ications are ending up in waterways, affecting fish and other aquatic or- ganisms. 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-inflammatory drugs to the hor- mones 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 peo- ple don’t hold the same belief.

A STRONGER LEGISLATURE? The Michigan League of Con- servation Voters (MLCV) this fall deliberately targeted a limited num- ber 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 ulti- mately defeated by challenger Scott Dianda (D-Calumet). “We knew these races would be close,” MLCV officials said. “That’s why we were the first to get our message out and to increase the number of sig- nificant resources if you vote against Michigan’s environment and we’ll stand by 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 Mishi- gan’s parks and recreation areas. The Department of Natural Resources is encouraging such activities and has been offering year-round “Recre- ation 101” programs since 2011. These programs include hiking, bik- ing, hunting, fishing, paddling, horseback riding, birding and a host of other introductory learning activities. Volunteer program guides are cur- rently being sought, as well as instructors for a new “Fresh Air Fitness” program set to run between April 15 and October 1, 2013. For infor- mation, contact Maia Stephens at 989-225-8573 (stephensm@michig- an.gov).

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The Drill —MaryAnn Lessert photo

A well-drilling/fracking site located in the Au Sable State Forest in Roscommon County. This land was recently first leased as “non- development” and later reclassified as “development with restric- tions.”

When Cleaverdale-area resident Steve Losher 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 ac- tivists jumped quickly into the growing fray over oil and gas ex- ploration, and the controversial technique known as “hydraulic fracturing,” vowing to prevent it from occurring in their area. They formed a nonprofit citi- zens’ group—Michigan Land Air Water Defense (MLAWD)—to challenge lease sales conducted by the Michigan Department of Natural Resources and to declare parcels in the Barry and Allegan State Game Areas, as well as the Yankee Springs Recre- ation Area, off limits.

Now they are embroiled in a lawsuit against the DNR, hoping to nullify lease auctions con- ducted on May 8 and October 24, 2012. MLAWD sued following the DNR’s October 22 denial of their request to remove the right to “un- conventionally” develop oil and gas on the contested parcels. They had made the same previ- ous requests—all of which were denied. They currently are awaiting a December 6 scheduling confer- ence before Barry County Circuit Court Judge Amy McDowell to determine the parameters and timeline for 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)
Proposed limestone quarry in eastern Upper Peninsula

(Continued from Page 1)

to make possible 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 every stakeholder group. 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 MCI. 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 expect to create. Opponents of the plan have said that the majority of jobs generated would be temporary, 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’re going to leave a scar,” he said. “We are already a member of the Upper Peninsula business community with our lime plant near Gull River,” said Graymont Chief Executive Officer Stephanie Godin, “and we’re looking forward to expanding our presence in the region.”

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

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-owned lands. They have engaged the Traverse City law firm of Olson, Bzdok & Howard to represent the group and press for local, as well as statewide implications.”

Martin Hall said the local economy relies heavily on tourism dollars. “A lot of local jobs they are expecting to create. Their attitude was that these people were good ole boys with cheap cologne, no socks and no home. “I’m a proud NIMBY. “Not In My Backyard”—often statewide implications.”

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“Barry County has been called the ‘Central Park of Michigan,’” said Losher. “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, Illinois, Ohio and other parts of Michigan, she said. Losher said that MLAWD has not received much push-back yet from the oil and gas industry, but they expect that to happen soon. “We’ll try to paint us as a environmental extremist,” he said. “When in reality we’re the conservative, reasonable party. Our law firm 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.

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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 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 in the ground, and force them to say whether the process is the least dangerous way to get the gas. It’s possible the companies 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 trouble with demagogues

Now that a majority of Americans has freely chosen government authoritarianism over personal liberty—and recklessly expend- ing 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 anything else to gain power after which they lost. They are selfish, manipulative, narcissistic and dismissive of all who disagree with them. They routinely blame others for their own failings, and their poor choices—leaving them as the victim.

They deceive a lot of people, because they are often quick- minded, articulate and charismatic. But they are merely mas- querading as benevolent. The main purposes of their “love” and “caring” are self-serving and selfish greed.

Since the beginning of recorded history, such people have been responsible for the worst atrocities that human beings have visited upon each other. Utterly suffering has occurred because of their “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 unity 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 gnawing and making vicious remarks to—and about—those who dissent.

And they won’t leave us alone. They insist on pursuing their wayward 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 proposals.

Yet often they succeed—for a season at least—because many of us are much bigger fools than they are. Simply put, they are lovers of self, health and well-being, according to Moore. (Our friend and former colleague Jeff Alexander—a super environmental reporter—has written in his blog about similar issues in the Great Lakes).

This is scary stuff. It 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, roadside drains and stadi- diums, he says, and escapes from the backs of garbage trucks and overflowing garbage cans. Ocean dumping may be deliberate, or inadvertent, but it is always preventable.

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

Plastic Ocean

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 supply.

In Plastic Ocean, Moore unveils his ominous find- ings and examines the hidden properties of Plastic.

From milk jugs to bottles caps to polymer molecules, amoeba-like LRPFH’s attack on human skin, plastic poses a potent threat to vanishing marine species and their fragile habitats, he says.

Unchecked, this problem may soon threaten human health and well-being, according to Moore.

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

This was liberty—kid style—sitting this one out? We decided to be lived to the fullest be- fore it was gone. Years later, when I was bur- dened by the daily grind of a job and the tyranny of bosses, I re- turned 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 life.

I doubt that they understood it at the time. But today they might. But that short trek into the newly 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— includ- ing me—have been dramatically reshaped by the vagaries of living and working.

And 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 glu- ried in the ebullient exuberance of the clear, cold water.

My prayer this holiday season is that all who may have lost their sweet taste of freedom—away from the cultural pollutants and bureaucratic obstructions that too often impede our progress—and find renewed hope in the continu- ous flow of our rapidly advancing years.

Plastic Ocean

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The Warriors of Barry County

After spending a few hours recently with members of the Michigan Land Air Water De- fenders (MIAWD) I have been in- spired and impressed by the passion and tenacity of these citizen activists. The MIAWD group has mounted a serious and formi- dable resistance to the grow- ing 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 Recre- ation Area.

But might it be possible that these special natural areas held in the public trust need to be ex- posed to this type of uncondi- tional activity and so we applaud MIAWD for challenging the Michigan Department of Natural Re-

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

Editor:

I read in your mid-November issue (page 4) a re-quest for information regarding a limestone-dolomite strip mine proposed in Mackinaw County, in the Upper Peninsula. While I probably cannot add many specifics re-garding 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. My father and brother were very active in the forest region, and my brother and I have been hunting extensively in the proposed strip mine area for over 40 years. The area in question lies between the historic Fishborn Quarry near Trout Lake, to Hendricks Quarry, north of Rex-town through the area of Porcupine Mountains State Forest—5,000 acres!! The land in question is largely state-owned, with only a handful of small private holdings, and in the process of acquisition by the State Forest.

While hunting this October, we passed by several unusual “utility” vehicles, which we later discovered were conducting “core-sampling.” We later discov-ered that Ohio State University and the Michigan Department of Natural Resources (MDNR) have been conducting “core sampling” for several years. 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 (MDNR) staff in the Newberry of-fice, and they, too, were quite “tight-lipped” about what was going on. Primarily, they did not have enough knowledge 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 sta-tus, we were able to locate the attorney for the company, who verified the application. At that time, the attorney would not give 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 “Germstone,” 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 fished heavily, but after all these years, it has been able to maintain its wilderness flavor. It is also heavily logged, and has been since the early 1980s. Also, the system of historic two-track roads, and inter-mittent logging roads provides adequate, but not exces-sive, 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 irre-placeable.

Once we discovered this potential travesty, we began to try 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 potentially destroy the area surrounding their parcels. (The mining company would propose to buy their property.) Some of these hunt-ing camps have been in existence since the 1940-50s. We wrote an initial informational e-mail to the Sierra Club, the Michigan United Conservation Clubs, and have not had time to follow up with those organi-zations. Perhaps this (letter) to the North Woods Call will be seen as additional coalition building.

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 habi-tat, the increase of landowner fees, and the mining company, the proposal is particularly disturbing. 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 compre-hending. Strip mines are not a force with which Michigan residents are familiar, but the ultimate im-pact of strip mining is the reality that present and fu-ture generations would simply have less “wilderness” to use and enjoy.

As is typical of most destructive land proposals, I expect the mining company and other proponents to argue that it is a “redevelopment” of some sort. They would be associated with the mine, as well as temporary rev-enue to the State of Michigan through the sale of the land and mineral rights. But as we all know, once the glass is gone, so too will the jobs be gone, and the temporary revenue to the state will be spent. How-ever, 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 we 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 wildlife public 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 are sure, and we do not 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

From the wild near you

By Tom Springer

Editor:

I am a lifelong (58 years) resident of the eastern Upper Peninsula. My father and brother were very active in the forest region, and my brother and I have been hunting extensively in the proposed strip mine area for over 40 years. The area in question lies between the historic Fishborn Quarry near Trout Lake, to Hendricks Quarry, north of Rex-town through the area of Porcupine Mountains State Forest—5,000 acres!! The land in question is largely state-owned, with only a handful of small private holdings, and in the process of acquisition by the State Forest.

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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 fished heavily, but after all these years, it has been able to maintain its wilderness flavor. It is also heavily logged, and has been since the early 1980s. Also, the system of historic two-track roads, and inter-mittent logging roads provides adequate, but not exces-sive, 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 irre-placeable.

Once we discovered this potential travesty, we began to try 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 potentially destroy the area surrounding their parcels. (The mining company would propose to buy their property.) Some of these hunt-ing camps have been in existence since the 1940-50s. We wrote an initial informational e-mail to the Sierra Club, the Michigan United Conservation Clubs, and have not had time to follow up with those organi-zations. Perhaps this (letter) to the North Woods Call will be seen as additional coalition building.

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 habi-tat, the increase of landowner fees, and the mining company, the proposal is particularly disturbing. 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 compre-hending. Strip mines are not a force with which Michigan residents are familiar, but the ultimate im-pact of strip mining is the reality that present and fu-ture generations would simply have less “wilderness” to use and enjoy.

As is typical of most destructive land proposals, I expect the mining company and other proponents to argue that it is a “redevelopment” of some sort. They would be associated with the mine, as well as temporary rev-enue to the State of Michigan through the sale of the land and mineral rights. But as we all know, once the glass is gone, so too will the jobs be gone, and the temporary revenue to the state will be spent. How-ever, 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 we 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 wildlife public 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 are sure, and we do not 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
A diverse slab of nature

The pole building was one of two on the property, a typical Michigan farm structure: corroded 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 hay rigs. Until a summer Storm Day storm of 1998 changed that.

Sloping 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 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 and cracks caused by the snow’s pronounced freezing/thawing cycle provided another food source for vegetation growth.

A big-tooth aspen established itself in a hole that originally held a support beam. Choke cherries, junipers, and amur corktree have come up around the slab. A scattered handful of evergreens and hybrid poplars were planted later to improve wildlife habitat, as well as to enhance the farm’s curb appeal.

Fourteen years have passed since the big wind and the weathered slab now seems to be it’s own micro-ecosystem. Deer mice, voles, and shrews can be seen racing beneath the slab now seems to be its own micro-ecosystem. Deer mice, voles, and shrews can be seen racing beneath the slab as they flit constantly from shrub to shrub, nourished by the slab’s water. Wildlife habitat, as well as to enhance the farm’s curb appeal.

With the recent commotion about hydraulic fracturing in Michigan, it might be helpful for local communities and citizen groups to review these ex- cerpts 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 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 ex- empt from federal water statutes like Michigan’s codifi- cation of the Great Lakes Compact, which was designed to protect this state’s most treasured re- source.

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

Under Michigan’s Zoning Enabling Act, local govern- ments are also prohibited from enacting or en- forcign an ordinance that regulates permit issues related to the location, drilling, completion, opera- tion, or abandonment of such wells.

Thus, if the federal government has deferred regu- lation of the oil and gas industry to the states, and the states have exempted the industry, and the local govern- ments 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 towns can take is to adopt care- fully crafted zoning or police power ordinances to prevent “fracking”.

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, Michi- gan 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, cu- riously, this pristine stream flows through the Barry State Game Area where mineral rights have been auc- tioned 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”

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Local Zoning and Police Power Ordinances

One approach towns can take is to adopt care- fully crafted zoning or police power ordinances to protect Michigan’s air, water, resources and prop- erty—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 gov- ernment legal authority to address oil and gas develop- ment—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 gov- ern land use, or police power ordinances that govern health, safety and pollution issues associated with un- conventional 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 natu- ral gas pipelines, flow lines, gathering lines, treat- ment 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 town- ship to adopt police power ordinances, which are dis- tinct 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 handing 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 wells, pipelines and gas 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 de- stry 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 ordi- nance that delays oil and gas exploration for a finite period of time (eg. 6-12 months) so that the local gov- ernment 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 in- validated the ban ordinance of the City of Birming- ham, New York. However, by tailoring an ordinance to a specific geological formation, or a specific geog- raphical 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.
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 immediately visible. CO Wells directed Sgt. Michael Bomay and CO Troy VanGelder to the area, where they were able to locate an SUV 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 in the area. He was told that a rescue rig pulling an airlift 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 officers and neighbors were being combed 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 until troopers arrived.

**DISTRICT 6**

COs Jeremy Payne, Quincy Govenlock, Steven Lockwood and Jason McCullough have been working on a case where six subjects were charged with the illegal hunting of bobcats in four different counties. The illegal taking, which included hunting with live bait, began in 2004, and occurred in Montcalm, Isabella, Roscommon and Clare Counties. The six subjects each purchased a hunting license for four years, their firearms were condemned, and they paid fines and restitution totaling $3,800.

**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 re-viewed the trapping regulations as carefully as he should have. The trap was very cooperative and removed approximately 15 similar set traps, but was ticketed for setting them prior to the open season and warned on other violations.

**DISTRICT 8**

CO Rich Nichols stopped by a couple trappers during the past week to check on business after the EHD outbreak. At each of the taxidermists, CO Nichols was able to determine a $12,500 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 warrants 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.
Final Shot

North Country Wisdom
This sign, spotted outside a popular restaurant in Luceze, 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. While we were interested in the potential mishaps with cars, pedestrians, or white-tailed deer, we were also interested in the sign posing a question: “Are these trails safe for young hunters?”

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 theirGreat 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 Thornapple 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 transported 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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