

UP Environment



The Upper Peninsula Environmental Coalition's quarterly newsletter.
UPEC is the UP's oldest grassroots environmental organization.



Winter 2014 Join us for UPEC's next Board meeting: Sat., Jan. 24
at the Covington Multipurpose Building from 1 to 4 p.m.

USFS prevails in Sylvania motorboat lawsuit

By Robert Evans, UPEC Board Member

U.S. District Court Judge R. Allan Edgar issued a decision on September 14 rejecting David and Pamela Herr's contention that they had "preexisting valid riparian rights" to use gas motor boats on the wilderness portion (about 95%) of Crooked Lake in the Sylvania Wilderness. The Herrs, owners of a seasonal cabin on Crooked Lake near Watersmeet had filed their suit against the U.S. Forest Service on May 13. The Herrs made this claim despite the fact that they did not purchase their property on Crooked Lake until 2010, whereas the USFS gas motorboat regulation went into effect in 1995.

The Herrs' effort was the latest in a series of attempts to undermine wilderness protections for the Sylvania. Not only would motorboats disturb the Sylvania's wilderness character, they would also threaten habitat and aquatic life through potential introduction of non-native invasive species.

In response to this lawsuit, UPEC, the Friends of Sylvania, Sylvania Wilderness Cabins, and Timothy Schmidt



Sylvania canoeists will more likely experience a motor-free environment thanks to a recent court ruling that affirmed the wilderness portion of Crooked Lake. Photo by Steve Safranski

(owner of Sylvania Wilderness Cabins) promptly filed for intervenor status in support of the Forest Service. On *Au-Sylvania Motorboats* See Page 6

Partners to appeal Wildcat Falls federal court ruling

By UPEC Board Member Sherry Zoars & Joe Hovel

Despite a recent setback in U.S. District Court (Western District of Michigan, Northern Division), Partners in Forest-



Wildcat Falls' proximity to Watersmeet and Eagle River makes it popular for people seeking old-growth forest habitat. Photo by Rod Sharka

ry, the Northwood Alliance, and concerned citizens will continue efforts they began in 2010 to prevent a Forest Service land exchange in the western UP that they and others find questionable. The proposed exchange would swap public parcels containing

old-growth forest northwest of Watersmeet for severely degraded private land west of Ontonagon.

The partnership plans to appeal U.S. District Judge Robert Bell's September 9 ruling that declined to overturn

the Ottawa National Forest's plan to trade the Wildcat Falls parcels near Watersmeet for cut-over land in a remote area near the Porcupine Mountains belonging to Robert and Lisa Delich. The Wildcat Falls parcels, by contrast, have high-quality old-growth hemlock and cedar habitat, scenic stream corridors, and other qualities that attract recreational visitors because of their location and accessibility.

The core of the partnership's contention is that the land exchange as currently structured would constitute an injustice to American citizens because it reflects questionable *Protecting Wildcat Falls* See Page 3

UPEC seeking Environmental Education Grant applications

The Upper Peninsula Environmental Coalition has a grant opportunity for educators and youth workers who provide quality environmental education programs to regional children from preschool to high school. The UPEC Environmental Education Fund offers grants of up to \$500 for the 2015 calendar *Env Ed Grants* See Back Page

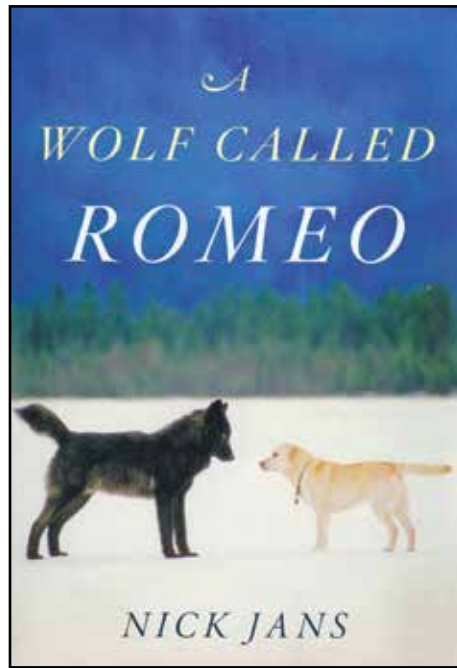
Romeo challenges us: Rethink divides & relationships

By David Clanaugh, Editor

Nick Jans's *A Wolf Called Romeo* (Houghton, Mifflin, Harcourt: 2014) skillfully interweaves a personal and community chronology of the interactions among the people of Juneau, Alaska, their dogs, and the black wolf Romeo. Jans intersperses this chronology with scientific information about wolves (as apex predators that face tough survival challenges), the conflicted social history of human attitudes toward and interactions with wolves (including on-going mythologies), his own personal journey from wolf hunter to wolf advocate, and the stories of folks ranging from Romeo's best human friend to the two men who killed the wolf and received slaps on their wrists from the Alaskan legal system.

Having observed and participated in wolf politics in our region for many years (including a "close encounter" with two wolf pups in Voyageurs National Park), I think the book offers many occasions for reflection about our struggles in the Upper Lakes Region as we seek a more fruitful way forward.

Romeo first appeared in December 2003 on the outskirts of Juneau, Alaska's green-leaning and relatively progressive capital of 30,000. For nearly six years the wolf interacted with many of the community's residents and played with their dogs until he was shot and skinned in September 2009.



The interactions sparked much conversation and disagreement about the proper place for a wolf in the community. Many residents were hostile toward Romeo with an attitude of "the only good wolf is a dead wolf." Had Romeo been living in another area of Alaska with fewer witnesses advocating on his behalf, he would have had a much shorter life. The same could be said for a wolf like Romeo in much of the UP and the Upper Lakes Region.

In the Juneau context Romeo's presence provoked people to explore the appropriateness of naming a predator that many humans consider a competitor, threat, and mere thing.

Acknowledging the individuality and agency of a non-human creature levels the relational and moral playing field, nudging the human from a position of privilege and mastery. It is easier and more convenient to consider the Other to be an It instead of what Martin Buber would call a Thou – yet, does choosing ease and convenience mask and distort deeper realities?

Invoking the name Romeo helped many people recognize his intelligence, adaptability, reasoning, and ability to constructively evolve during interactions with humans and dogs. Romeo developed a particularly close relationship with "wolf whisperer" Harry Robinson and Harry's dog, Brittain. Harry believed that a companionate friendship marked by loyalty, trust, and mutual care had developed; poignantly, Harry dreamed about Romeo's tragic death as it was coming to pass. Jans's account of these interactions pushes us toward greater openness when it comes to non-human creatures.

The book also explores the cultural divides among humans as they are played out by our responses to apex predators. Romeo's Juneau sojourns elicited displaced human misunderstanding, resentment, anger, and disrespect – in a sense, he served as an easy distraction for folks unwilling to work on bridging divides among themselves.

Romeo See Page 5

About UPEC...

The Upper Peninsula Environmental Coalition has a five-decade track record of protecting and seeking to enhance the unique environmental qualities of the UP through public education and monitoring of industry and government. UPEC seeks common ground with diverse individuals and organizations in order to promote sound planning and management decisions for all the region's natural resources.

UP Environment is published four times a year and available online to share with family & friends. Send your comments or contributions to UPEC by standard mail at P.O. Box 673, Houghton, MI 49931, or e-mail us at upec@upenvironment.org. You can also visit us at www.upenvironment.org

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Land exchange proposal to go before 3-judge panel

Protecting Wildcat Falls From Page 1
economic analysis, threatens the environmental integrity of public lands, and does not promote the public's access to and use of federal lands for recreational purposes.

In contrast to this contention, U.S. District Judge Robert Bell's recent ruling affirmed the Forest Service on all counts. In his 25-page summary, Judge Bell stated:

The court is satisfied that the Forest Service adequately studied the issues and took a hard look at the environmental consequences of its decision It is not the court's role to second-guess the correctness of the Forest Service decision.

Prior to making his ruling, Bell declined to hear oral arguments from the plaintiffs. This is almost, but not completely, unheard of at the district court level. In denying the plaintiffs' request to prevent the exchange, the judge ruled that the Forest Service essentially followed and satisfied its own rules, yet plaintiffs had planned to argue that the Forest Service had not sufficiently followed its own rules.

For example, Forest Service officials admitted in the lower court case that the deciding official never read the land appraisals. Other than an on-site inspection, appraisals constitute the heart of an equitable exchange. In the case of this proposed exchange, the deciding officer neither visited the sites nor reviewed the appraisals.

The plaintiffs also maintain that the Forest Service's consideration of alternatives for acquiring the Delich parcel did not satisfy the National Environmental Policy Act (NEPA) because the only alternatives mentioned were to trade or not to trade for the Wildcat Falls parcels. NEPA also calls for an analysis of environmental impacts when

there is a major federal action. The plaintiffs contend that removal of the Wildcat Falls parcel from public ownership would threaten its rare environmental qualities should it, for example, be logged or subdivided for development, thus the need for more extensive environmental analysis.

Because they were denied the opportunity to make these arguments, plaintiffs contend that Bell's discussion of the merits of their position was inadequate, that they still have relevant testimony that should inform a decision, and that it is in the public interest to appeal Bell's decision.

The appeal will be heard by a three-judge panel which may be more open to hearing and considering the plaintiff's arguments that the USFS did not follow its own rules. Staff for the U.S. Attorney's office would continue to provide the defense of the Forest Service's efforts to make the land exchange.

UPEC supports the work of the partnership to protect the Wildcat Falls parcel and has contributed to the appeal fund. The plaintiffs will again be contributing to this campaign out of their own pockets. If you are looking for a worthy cause to support, please consider helping. Checks should be made out to Northwood Alliance, Inc. with "Wildcat Falls Legal Defense Fund" written on the memo line. You may donate on-line on the NWA website: www.northwoodalliance.org

Northwood Alliance continues to handle the fundraising and payouts for expenses involved in this endeavor. Northwood Alliance is a 501(c)(3) charitable organization, whose mission is education and advocacy concerning the conservation of unique lands and public values. For more information please contact Joe Hovel at nwa@nnex.net or call 715-479-8528.

Editor David Clanaugh contributed to this article.

Celebrate the UP!

Friday & Saturday

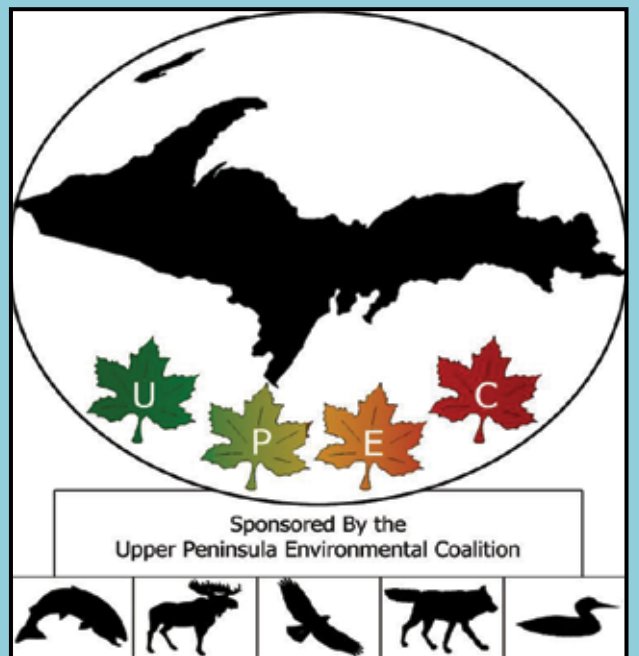
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Three Corners:

Peter White Public Library, Landmark Inn & Federated Women's Clubhouse

Join Keynote Speaker John Davis of the Wildlands Network



Learning to nudge political system toward greater good

By David Clanaugh, Editor

Sometimes learning from an election like the recent one involves looking it straight in eye. It reminded me of the fatigue and frustration a colleague and I felt years ago as the political season limped toward election day. Given the lack of candidates engaged in discussing the real issues facing society, we surmised that the voting booth was akin to a “chamber of horrors” at a traveling curiosity show. What resulted was a humorous, yet deadly serious, column by my colleague about the sense of horror from looking at the choices before us.

Many election seasons have passed since that chamber of horrors insight, yet the horrors keep mutating. And the chamber is an equal opportunity place populated by liberals, moderates, conservatives, Republicans, and Democrats alike. Raise your hand if you have become uncomfortable with being branded by one of these labels.

Many of us want to cleave to high school civics lessons about living in the world’s greatest representative democracy, yet an atmosphere swinging between reaction and apathy points to the nagging sense many of us feel about not being represented very well or at all. As our political process continues to evolve in the direction of the “best democracy that money can buy” there does seem to be a growing affront to people when they pick up ballots and ponder choices between Coke and Pepsi candidates. Has voting even come to take on an element of abuse? This might explain why voter turnout is so low in the U.S. compared to most other democratic societies – if folks aren’t voting to throw the rascals out, they are just not voting. Wagging fingers at and moralizing about the non-voters seems to be missing the more basic point: for more and more folks the representative political system struggles with a crisis of exclusion and illegitimacy.

Over a month has passed since November 4. Whether folks with environmental sensitivities have begun to recover from a mixture of inadequate choices, disappointment, depression, and despair is anyone’s guess. Nonetheless, I think it makes sense to try to distill some drops of optimism from the situation.

A starting point might involve looking at outcomes from various ballot proposals. Michigan voters, for example, strongly supported measures that acknowledged the need for science-based guidance in the area of resource management. By a 55% to 45% margin residents voted that the wolf should not be a designated game animal subject to a hunting season. By an even greater margin of 64% to 36% voters rejected a politically appointed group like Michigan’s Natural Resources Commission having the authority to designate game animals.

Yet when it came to electing candidates, Michigan voters typically chose representatives opposed to these ballot proposals. This discrepancy is frustrating, yet a better approach involves distinguishing the two types of elections and looking for parallels in other states. One example involves passage of minimum wage ballot initiatives in Arkansas, Nebraska, South Dakota, Alaska, and Illinois -- states that elected high percentages of candidates opposed to wage hikes.

Although efforts occurred to sow confusion about the ballot proposals, advocates for a more equitable minimum wage and science-based resource management focused on engaging and motivating people in a constructive manner in the interest of education and social improvement. These proposals elicited strong beliefs and passions, but generally weren’t framed as personality contests.

Candidate campaigns, on the other hand, tend to be fraught with issues of personality, popularity, character, embarrassing moments, and scandals. A high percentage of candidates also expend



One goal for non-motorized wilderness areas like Sylvania involves preventing the incursion of non-native invasive species so future generations can experience environments with minimal human disruptions. This trail near the Osprey Campsite on Loon Lake shows disruptions from the pre-wilderness era as well as from current use. Photo by Steve Safranski

great energy avoiding being pinned down on issues and trying to avoid being pegged as flip-flopers. And poll-driven media coverage tends to trivialize campaigns in terms of athletic contests and games.

So I think there are a couple of good starting points we can take from this latest election season. First, we need to work to connect the dots among issue-driven ballot proposals in an effort to elicit a degree of social consensus about what are productive measures to build a better society. Ballot proposals about appropriately managing wildlife and resources many have more in common with minimum wage proposals than we think. Both involve treating marginalized parts of society and the world with greater respect and consideration for their well-being. It may be that banishing the “wolf” of economic insecurity opens up room for dealing more effectively with biodiversity and sustainable energy challenges. It may make sense to explore and foster broader alliances among groups supporting ballot initiatives.

Second, we need to depersonalize politics to better serve people, other creatures, and the world. All of us have choices to avoid taking the low road of personalized politics. As much as we may disagree with a candidate’s policy stances, we might all benefit from avoiding attacks on character, appearance, mannerisms, and so forth. An attack ad run in northeastern Minnesota against the Republican challenger to a Democratic incumbent almost backfired. The ad focused on the challenger’s long hair and “golden boy” background, trying to stir up resentments and prejudices. The race tightened as election day approached and the incumbent narrowly gained reelection. Perhaps voters were sending a message that this PAC-sponsored ad had crossed a line. What is most difficult involves figuring out ways to avoid being manipulated in the midst of this politics of personality.

Might it be that a more depersonalized and issue-focused politics actually would be less impersonal toward the needs of the citizens, the environment, and the greater good?

Romeo urges us to seek justice beyond flawed systems

Romeo From Page 2

Perhaps, if humans did a better job of bridging divides among ourselves, we would have less need for scapegoats beyond and within the fragile membrane separating us from other creatures. If we banished the “wolf” of hunger and economic insecurity from human doorsteps in an environmentally responsible manner, might we be better equipped to end our war against other species? We often talk about the need for healing and peace during the Holiday Season; does Romeo’s story urge us to act in more concerted and coordinated manner for justice within and among the species?

Jans’s book, during its autobiographical moments, offers a lot of honesty and vulnerability which heightens its credibility. Jans cross-examines himself and other wolf advocates as much as the “bad folks” who had no stock for Romeo and wished him dead. And Jans provides details about the villains of the story that point to their brokenness and invite empathy: socialization in violence, involvement with drugs, abuse of others, other problems with the law, and a craving to be noticed. A sense of common humanity erodes the polarizations that had contributed to Romeo’s death.

There is an exploration of shifting and conflicting masculinity at play from when Jans as a young man hunted and trapped wolves with a degree of bravado, to the influence of his life partner, Sherrie, who advocated for animal rights, to the book’s poignant ending in loss, grief, and sorrow. I found myself longing to nurture the broken and incomplete solidarity among the folks who cared and then mourned for Romeo. These different and, at times, conflicting and even passive-aggressive ways of caring provided space for folks full of hatred to act out their hurt toward Romeo and those who loved him.

What I found particularly useful is how Jans prods us to examine the motives and types of self-interest behind our attitudes and actions toward the non-human world. Was the “wolf whisperer,” for example, engaged in a type of romanticism and projection that some folks took to extremes through various New Age outlooks? Was professional photographer John Hyde more invested in capturing commercially lucrative photos than in respecting and protecting Romeo? Was Jans himself overly interested in getting the story and having it published? Jans’s plaintive question is one we should adapt to the situation at hand and ask ourselves as an antidote for self-righteousness: “If we, the three people who knew Romeo best, couldn’t unite in his best interests, who could or would?”

Yet, this book moves beyond recrimination through much nuance and complexity, including a deep respect for Romeo as a sentient creature capable of choices, adaptations, and agency. Romeo thus provides a type of absolution for humans who think they are totally in charge within this world. We may wrestle with the balance between purity of intention

and crass self-serving behavior as well as selfless caring and self-absorbed jealousy, yet this wrestling is likely endemic to being alive, embodied, mortal, and fallible -- a reminder of limits to our power. Ultimately agency extends far beyond the human realm and will continue in an evolving world, even if we humans perish by flaunting and abusing our agency.

In pointing to how we must take greater responsibility for passing the buck to systems that neither care nor grieve, the book’s conclusion challenges us to confront how we have overly delegated power to the state and other systems when it comes to resolving conflicts and meting out justice. The perpetrators of Romeo’s death may have had their days in court, but the tepid verdicts and sentences didn’t do justice to the violations of both creature and community. What the community discovered through a lukewarm prosecution, cunning defense, and hands-off judge was that “the wolf belonged to the state [and] . . . its law-abiding citizens were nonentities . . . [The state had] provided justice to neither wolf, nor dead bears, nor us – just to itself on its own terms. The system had taken care of itself; it was up to us to do the same.”

Too many of us dealing with complex financial, legal, and political systems know the hollowness of functionaries going through the motions, saying they want to do the right thing, and then deflecting accountability as they take the easy road that serves their narrow self-interests. Too many of us also know what it is like to have people whom we trust and take at face value defer to a flawed or downright broken system after they have calculated how to take as much as they can from a situation and postured to get off the hook, then telling us to get over it and be at peace when the system provides an unjust windfall. Such interactions reinforce a culture of violence.

I think Jans’s story points us, as environmentalists, to our greater task of saying “no” to the shortcut of working deeply flawed systems in ways that may yield short-term victories, but result in accruing long-term injustices. This is hard because we increasingly feel a sense of vulnerability, urgency, and even desperation. Doing this will require the relational work that Jans identifies when he addresses the lack of engagement, connection, and bigger picture advocacy among himself and other core Romeo supporters – not to mention those who bore ill will or indifference toward this majestic and giving creature. And finally, it will require taking seriously the Romeos of the world beyond ourselves who retain agency and may be more our allies than we ever realized.

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Herrs to appeal strongly worded motorboat opinion

Sylvania Motorboats From Page 1
gust 14 the court granted intervenor status to all four parties and scheduled arguments for September on a Forest Service motion to dismiss the lawsuit. On September 14, Edgar rejected arguments of the plaintiffs and dismissed the suit, making it a clear victory for USFS and the intervenors.

Here is some of the language Edgar used in his decision:

It.....seems perverse that Plaintiffs claim to have preexisting valid riparian rights that were violated by the 2006 amendment but that they are unable to claim a cognizable injury on their riparian rights until they purchased their property in 2010. Plaintiffs cannot have it both ways. Plaintiffs were on notice of the Forest Service's actions and were aware, when they purchased their property, of the regulations in place.

Plaintiffs have come to a place that is regulated. They have vacationed on Crooked Lake regularly since 1979, and by their own admission, were aware of the regulations and litigation surrounding the Forest Service's regulation of motorboat use on Crooked Lake. Plaintiffs purchased land that at the time was subject to the

regulations of the Forest Service and now wish to overturn those regulations long after the statute of limitations has expired. This Court lacks jurisdiction to hear this case because the time for making challenges has elapsed. For the reasons stated above, this Court grants Defendant's Motion to Dismiss. Plaintiffs' case will be dismissed and a judgment consistent with this order will be entered.

Following Edgar's decision, the plaintiffs had 60 days in which to file an appeal. On October 27, the Herrs filed a notice of appeal with the court. At the time of publication, we are still waiting for an opening brief to be filed by the plaintiffs-appellants, which is the document that would provide the substance of their appeal. Our understanding is that the appeal will be heard by a three-judge panel in the U.S. District Court, Western District of Michigan, Northern Division.

UPEC and the other intervenors are committed to staying involved with this court case until there is a final outcome. We feel confident that the decision issued by Judge Edgar is a sound one, and will ultimately be supported through rejection of the appeal.

Remembering & honoring those who share stewardship values

*UP Environment provides a place to remember and honor people dear to us in the name of environmental protection and stewardship. Your gift in **Honor** or **Memory** of others enables them to continue to participate in UPEC's work. The holiday season is a perfect time to make this type of gift. If you want your contribution to honor or remember someone, please provide relevant information with that contribution.*

**Bonnie Miljour Memorial Fund by Chester Sermak
In Honor of Connie Sherry by Diana Sherry**

Different ways to support UPEC

Consider contributing to UPEC in honor or memory of a special friend or loved one.

When you make a gift on behalf of another person, we will send an acknowledgment of the gift to that person or his/her family, so enclose mailing information. When you contribute on behalf of someone else, encourage them to become a UPEC member through your gift.

Do you or someone you know have a wedding or other special celebration in the future? Consider making it a "green occasion" by designating UPEC as a recipient of honor gifts. UPEC has a JustGive link at its website that can help you to do this.

Consider EarthShare payroll deduction to support UPEC

UPEC is a proud member of EarthShare of Michigan and Wisconsin, organizations that help working people to donate to environmental organizations through workplace giving campaigns. Each year EarthShare provides UPEC with critically needed funding for environmental education and program operation. If you would like to help UPEC receive more funding, consider letting your employer know you want to participate in the EarthShare giving option at your workplace through the annual payroll deduction plan. For more info, please call 1-800-875-3863 or visit www.earthsharemichigan.org or <http://www.earthshare.org/2014/03/wisconsin.html>



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Or you can contribute on-line through justgive.org at UPEC's website at www.upenvironment.org

I'd like to support UPEC's goals by enclosing a contribution for (please check one):

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- _____ In Honor or Memory (please circle) of _____
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UPEC is a 501(c)(3) nonprofit organization; your contribution is tax-deductible. Your support helps us work together to protect and enhance the UP's unique natural environment. Please consider making a gift membership to help us expand our circle of people working together. You may also contribute in **Memory** or **Honor** of a family member or friend.

Also consider enclosing a note with your contribution with feedback about this newsletter and UPEC's work.

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I'm already a member, but I'd like to make additional contributions to these UPEC funds:

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- _____ Land Acquisition/Protection
- _____ Community Outreach
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- _____ Marquette County Community Foundation Fund

Check this newsletter's mailing label for your membership status. Phone & Email information is optional – Thanks for your Support!

Don't forget those Econo Foods slips: a slow & steady way to support UPEC!

Thanks to you and Econo Foods, UPEC has earned several hundred dollars during recent years from grocery receipts collected by UPEC members. That may not seem like a lot, but when you're a non-profit organization every little bit helps. Of course, that amount could be even higher this year if more of us save our slips and send them in! For a family that spends \$100/week on groceries at Econo, this translates into \$52 of annual support for UPEC.

Either save receipts throughout the year and mail them to us, or give them to a UPEC board member—whichever is more convenient. It's one of the easier low-cost ways you can offer your support. Thanks!

How to Contact Your State Legislators

37th District Senator Wayne Schmidt
571-373-2413 SenWSchmidt@senate.mi.gov

38th District Senator Tom Casperson
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107th District Rep. Lee Chatfield
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Bonnie Miljour Fund to support environmental ed through arts

Env Ed Grants From Page 1
year, with applications due Monday, Jan. 5, 2015. Please share word of this opportunity with potential participants.

Teachers, 4-H leaders, Scout leaders, museum staff members, youth service workers – anyone who wishes to start or maintain an environmental project involving preschool through high school age children – are eligible for funding which may be used for all program expenses other than salaries.

UPEC funded nine projects in 2014 that included an environmental day camp, hands-on education about Lake Superior, a “BioBlitz” on ecosystem education, a dramatic presentation about protecting pollinators, learning about radiation detection and exposure, and community garden, greenhouse, and rain garden projects. As the UP’s oldest grassroots environmental organization, UPEC is equally willing to fund outstanding projects inside and outside of formal school settings. And a new opportunity this year includes support for programs that blend environmental awareness with the arts, thanks to the Bonnie Miljour Memorial Fund established by her husband Chester Sermak.

To learn more about the grant program, download an application, and obtain mailing information, go to UPEC’s website at upenvironment.org. Completed applications must be received by mail or emailed no later than Jan. 5, 2015. Funding for successful proposals will be announced by early February.



Becky Saves the Bees taught Marquette children about pollinators, their value to a healthy ecosystem, the threats they face, and how we can help them. Above pollinator protectors waddle dance with support from a UPEC grant. Submitted Photo

Please review your membership status
Check your mailing label above for your membership status with UPEC. When you renew, please consider an additional level of support as part of UPEC’s efforts to safeguard public lands, wildlife habitat, and prudent environmental policies.