

# U. P. Environment

Quarterly Newsletter for  
the  
Upper Peninsula  
Environmental Coalition  
The oldest grassroots  
environmental organization  
in the U.P.

## Interesting New Development On the Sulfide Mining Front

Fall 2009



Greenwood Reservoir in  
Marquette County

Photo by Jeannine McKenzie



Photo Left: Cultural icon Eagle Rock on  
the Yellow Dog Plains

Photo courtesy of Save the Wild U.P.

Remember a couple of years ago when UPEC President Jon Saari suggested in this newsletter that we highlight Eagle Rock as embodying radically different visions of a place: a site sacred to Native Americans for generations and the entrance of a proposed mine? He argued that both visions could not be fulfilled on this small patch of earth. Something had to give if decision-makers were paying serious attention.

After the steady drumbeat of defeat after defeat on motions filed contesting Kennecott's various

permits for mining on the Yellow Dog plains, Administrative Judge Richard Patterson ruled in mid-August that he would uphold all of Michigan's Department of Environmental Quality's (MDEQ) permits - with one important exception: he recommended that the mine's entryway be placed somewhere other than Eagle Rock.

In a press release issued by National Wildlife attorney Michelle Halley who has been representing the organization in the fight, Halley

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## **Don't forget those Econo Foods Slips!**

Thanks to you and Econo Foods, UPEC has earned several hundred dollars over the past few years by submitting grocery receipts from the store collected by UPEC members. That amount represents 1% of total gross receipts from all the slips.

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 you were to save your slips and send them to us!

Either save them throughout the year and mail them off to us before the end of May, or simply hand them to a UPEC board member when you attend a meeting—whichever is most convenient. It's one of the easier ways you can offer your support.

### **About UPEC...**

The Upper Peninsula Environmental Coalition has a 30-year track record of protecting and seeking to maintain the unique environmental qualities of the U.P. through public education and watchful 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.

Our newsletter, the *U.P. Environment*, is published four times a year.

You can send your comments or contributions to UPEC by standard mail at P.O. Box 673, Houghton, MI 49931, or e-mail us from our website at [upenvironment.org](http://upenvironment.org).



UPEC is a proud member Of Earth Share of Michigan, an organization that allows working

people to donate to environmental organizations through workplace giving campaigns.

Each year Earth Share provides UPEC with critically-needed funding for environmental education and program operation.

If you would like to help us earn more funding for UPEC, consider letting your employer know you want the Earth Share of Michigan giving option at your workplace and give to the annual payroll deduction plan.

**For more information**, please call 1 (800) 386-3326 or view the website at [www.earthsharemichigan.org](http://www.earthsharemichigan.org)

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## Profile of the U.P.

*(As many of you already know, not all of the U.P.'s most precious resources can be classified under the headings of flora, bodies of water, minerals or wildlife. Some of them are people. The following is the first of what we hope will become a series of interviews of some of those human resources who helped to make—and keep—the U.P. the unique place it is today.—Ed.)*

### An interview with Bill Koski conducted on 25 July, 2009, at Smoky Lake

**George Desort:** Introduce yourself.

**Bill Koski:** My name is Bill Koski and we are at the Michigan and Wisconsin line on Smoky Lake. I was born on the shores of Smoky Lake in 1923 and lived here most of my life. I am not living where I was born, but just down the corner, at the point, in a cabin.

My parents came from Minnesota. My mother was born in Minnesota, my father was born in Finland, and they had the opportunity to come up and work in the timber industry and farm

in the summertime, so they had work year round. They did not log in the summer months.

There was not a house on Smoky Lake, I believe. My father was the first one on the lake here. The cabin was two rooms, twenty-four feet or longer and maybe eighteen feet wide. Two sisters and a brother were born in the cabin, and myself. Didn't go to the doctor, went to the midwife. I don't remember her though. (laughs)

**George Desort:** Smoky Lake is incredibly important to you, isn't it?

**Bill Koski:** I've been involved in the preservation of the lake. As a matter of fact, we had a property owner's meeting today and a lot of things were brought up, some I don't agree with. People, they do not understand the lake. They want to enjoy the lake, but if they don't like it, they go to another lake. So you don't have to live here. But if you live here, you have a different idea about what it should be; the longer you live here, the bigger your ideas get. Mostly, the people are good people that have moved up here. They moved up here because they like the lake.

**George Desort:** Tell me a little about this area of the U.P.

**Bill Koski:** Michigan seems to have a curtain between here and Wisconsin. You can see all the activity in Eagle River (Wisconsin) and hardly any in Iron River (Michigan). And the people are different. The people in Eagle River are more "citified," if that is a good term. And in Michigan, they are more relaxed, and old miners. It's the way they were brought up. But, of course, that can change too.



Bill Koski

Photo by George Desort

(Profile continued from page 3)

**George Desort:** Did you go to school in this area?

**Bill Koski:** I went to high school in Stambaugh, Michigan. It was 1937. [The school] joined with Iron River now, but it used to be separate. When we first started to go to school over by Long Lake, in the winter time we would ride by horse and sleigh. One of the kids, Kenner, he would drive the horse, and carry a little hay for the horse and come back for us in the evening again. It was better than walking. In third grade we had our own school, a one-room schoolhouse, across the way. I've got a little fungal growth (holding up the conk mushroom with carvings on it) that the schoolteacher made, wrote on the mushroom that you can mark.

**George Desort:** Word has it you are a master log homebuilder.

**Bill Koski:** Well they call me that. (Laughs) All I have done is follow what's been done before, so I can't make any big claims on that. It's more traditional, more in keeping with what I was used to. Your Finnish traditions were mostly log work, handcrafted ax work, saw work by hand, and just more caretaking in building a building. You could fit the logs better- didn't have a lot of chinking. And had a good hangover off the roof, so they wouldn't rot as fast.

**George Desort:** What is the ecosystem of Smoky Lake and surrounding area, in the past and today?

**Bill Koski:** Smallmouth bass was the primary fish back then. We didn't have musky that we have now. And there was some trout in the lake. We still have trout, but it is a different kind of trout. And rusty crayfish and rainbow smelt. Loons are on the lake. We have them every year. We have a nest of loons. This year, we just have one baby loon. And there are a few eagles around. Right now there is a pack of wolves around Smoky Lake. I haven't seen any sight of them this year yet, but they're around. They follow the deer around.

- George Desort, UPEC Board Member and Independent Filmmaker



Bill holding the mushroom his teacher hand carved for him so long ago. Note the picture of his old school house and the list of those who attended it that year—including Bill.

Photo by George Desort

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*Did you know you can now renew your membership  
or make other donations to UPEC on our website?! Check it out at  
[www.upenvironment.org!](http://www.upenvironment.org)*

quoted Judge Patterson as saying that Kennecott and the MDEQ “did not properly address the impact on the sacred rock outcrop known as Eagle Rock.” Given Kennecott’s insistence that this site was the only workable place for the mine’s above-ground portal, Halley said an acceptance of the judge’s recommendation by MDEQ Director Steve Chester could stop “or, at the very least, require a complete overhaul of the mining plan.”

However, even if Director Chester accepts Judge Patterson’s recommendation, the fight is far from over.

“While the [possible] protection of Eagle Rock is fantastic, it doesn’t address most of the technical deficiencies we outlined in the course of the contested case.” Halley said. “Therefore, we will almost certainly appeal the final agency decision should Director Chester adopt the judge’s recommendations on the remaining issues.”

Halley went on to point out that the organization felt the judge had “failed to address issues that are important to protect workers and the environment.” She said she is “still reviewing all of the specifics of the decision” and that the “NWF will address its concerns in written exceptions presented to the MDEQ and ultimately through appealing Chester’s final decision, if it comes to that.

We put on a solid case and created a factual record that will support appealing the remainder of the permit provisions the Judge Patterson left unaddressed. Many of those are too important to be overlooked and if they should remain unaddressed by Director Chester, we are prepared to appeal.”

Finally, Halley wrote, the U.S. Environmental Protection Agency still must weigh in on whether Kennecott can obtain the necessary federal permits.

So, while the war rages on, one battle—a potentially very critical one—may have just been won. We’ll be waiting impatiently for Director Chester’s take on the recommendation.

- Editor

### **A Timeline of Recent Developments in the Sulfide Mining Debate**

- **February 2009**
  1. Rio Tinto officially defers the Kennecott Eagle Project until commodity prices rise. There has been NO Kennecott activity on the Yellow Dog Plains since December 2008.
  2. Rio Tinto enters into an agreement with Chinese-owned company Chinalco which meets opposition from stockholders and regulatory bodies alike. Rio Tinto has acquired huge debt due to the purchase of aluminum company (ALCAN) and is \$39 billion in debt. Chinalco would give Rio Tinto the billions needed in exchange for minority interests in many mining operations and two board seats on the Rio Tinto Executive Board of Directors.
- **May 2009** The Coaster Brook Trout Threatened and Endangered petition was denied by the U.S. Fish and Wildlife Service. Sierra Club and the Huron Mountain Club are still assessing an appeal.
- **June 2009**
  1. Rio Tinto backs out of Chinalco deal and angers the Chinese. Rio enters into a joint venture with BHP Billeton in the mining of west end Australian iron mines which will give Rio \$6 billion dollars. Rio also issues a “rights” stock option to raise \$20 billion to pay off debt and continues to sell many assets.
  2. DEQ indicates that the Humboldt Mill permit decision will be indefinitely postponed until late fall - no date set.

(Continued on page 7)

## **Big Changes in UPEC's Environmental Education Grants!**

When we received nary a single request for grant money in the last grant cycle, we reevaluated the program, looking for reasons why. As a result, the board decided to make a few changes. To make it easier for educators to plan their programs, we're offering the award earlier in the school year. And while we've always considered applicants other than teachers, we wanted to make it clearer that the grants are available to any organization which wants to provide a quality environmental education experience. And, finally, acknowledging that it often takes more money than it used to provide these programs, we increased the size maximum size of the grants.

Here are the new guidelines:

**WHO is eligible to apply?** K-12 educators in Upper Peninsula schools, public or private, and other U.P. groups or institutions (scouts, 4-H clubs, museums, etc.) wanting to create or enhance an environmental program or ongoing activity for children.

**WHY are we doing this?** To assist in the creation or continuation of quality environmental education programs and/or ongoing projects in need of support.

**WHAT can the award be used for?** Grants cannot be used for salaries, but all other expenses, such as transportation, meals, supplies, honoraria, are acceptable.

**WHAT do you need to do in return?** Grant recipients are required to present a final report that includes an accounting of funds expended and outcomes achieved upon completion of the program. These progress reports will be edited and published in the UPEC newsletter. Pictures of children engaged in the project are always welcome and will run alongside the article.

**HOW MUCH can you apply for?** Depending upon the quality of the application as evaluated by the UPEC board, monetary awards of up to **\$1,000** will be made for projects completed by the end of 2010.

**WHEN is the application deadline?** Grant requests must be emailed or postmarked no later than December 15, 2009.

### **HOW DO I APPLY?**

You can use the application reprinted on page 11 of this newsletter or go to our website [upenvironment.org](http://upenvironment.org) and click on "Grants" to download additional applications. Completed applications may be returned to us by email at [upec @upenviroment.org](mailto:upec@upenviroment.org) or mailed to us at:

UPEC

P.O. Box 673

Houghton, MI 49931

(*Timeline* Continued from page 5 )

• **July 2009**

1. Chinese government arrests four Rio Tinto employees for spying and bribing iron ore smelter officials to obtain strategic information critical in China's negotiations with Rio Tinto in setting iron ore prices in China.
2. Judge Paula Manderfield dismisses DNR Public Trust case due to lack of Jurisdiction.

• **August 2009**

1. Kennecott submits wetlands permit applications for wetland fill for their south road, now called Woodland Road. The DEQ indicates there will be public meetings and public comment taken. The road is proposed to exit the mine site onto the AAA, to the Clowery road and cross the Yellow Dog heading south, crossing several streams, rivers and wetland areas, including the Mulligan Creek, Dead River, Escanaba River and their associated tributaries and wetlands. The road would pass through Wildcat Canyon and join the Wolf Lake Road to Humboldt and US 41 and the proposed Humboldt Mill site.
2. Joe Cram, a local businessman in Big Bay, gathers petition signatures and convinces Powell Township to write a letter to the Marquette County Road Commission to not cut the tree canopies along CR 510 and the AAA due to the installation of electric to service the Kennecott Eagle Mine. The County Road Commission voted unanimously to support the resolution that any electric run to the Eagle Mine site will be buried in the road way, thus saving the tree canopy. The community of Big Bay was in support of buried service to keep the canopy in place for aesthetics and tourism interests.
3. Our YDWP [Yellow Dog Watershed Preserve] letter written in September 2008 to the DEQ and the DNR assures that Kennecott must submit addendums to their mining permit for any new haul road and electric run to the mine site.
4. DEQ Contests case decision made by Judge Patterson. The judge sided with Kennecott and the DEQ on all matters except the use of Eagle Rock as the portal for the mine. He recommended that the portal be moved elsewhere and that the Rock not be fenced in and [kept] accessible [to] native and non-native alike. He indicated the Rock was sacred to the Keweenaw Bay Indian Community and should not be used as a mine portal. The petitioners, (NWF, HMC, KBIC, YDWP) have until September 18th to submit their written exceptions to Judge Patterson's rulings. These, along with the judge's recommendations, will be forwarded to DEQ Director Steven Chester for his final ruling. If he concurs, Kennecott must develop a new mining plan [that moves] their portal from Eagle Rock. The petitioners, at this point, will file an appeal on all points they wish pushed forward in the appeal process to the Ingham County Circuit Court—which will in all likelihood be under the jurisdiction of Judge Paula Manderfield.
5. The U.S. EPA has not yet made a move on the need for Kennecott to obtain *UIC [underground injection ???]* permits for the proposed Eagle Mine. KBIC, along with several Midwest tribes, have entered into consultation with the EPA concerning Eagle Rock. The EPA has to issue a proposed decision on any permits and have public comment before issuing them to Kennecott.
6. The DNR has stipulated that the project cannot continue on state land until all permits are obtained, including the EPA permits.

-Cynthia Pryor, Director of the Yellow Dog Watershed Preserve

(For more information, go to [www.yellowdogwatershed.org/blog/2009/08/19/judges-decision-on-mining-application-made/](http://www.yellowdogwatershed.org/blog/2009/08/19/judges-decision-on-mining-application-made/))

(It should be noted that the Humboldt mill and the EPA UIC permits are still outstanding, and applications for permits for the new road have not been made. Also, no applications for permits for the Aquila project in the Shakey Lakes area have been made.—Dave Allen, Board Member)



## Video Release

*Fortunate Wilderness, the Wolf and Moose Study of Isle Royale*, a film by independent filmmaker and UPEC board member, George Desort, is now available for \$20 on DVD, along with a variety of t-shirts celebrating the event.

Please check out these links: [www.fortunatewilderness.com/index.html](http://www.fortunatewilderness.com/index.html) and [www.facebook.com/georgedesort#/pages/Fortunate-Wilderness-the-wolf-and-moose-study-of-Isle-Royale/107232689121?ref=ts](http://www.facebook.com/georgedesort#/pages/Fortunate-Wilderness-the-wolf-and-moose-study-of-Isle-Royale/107232689121?ref=ts) to see photographs and videos created during the making of *Fortunate Wilderness*. If you have any questions or are interested in hosting a screening near your hometown, you may also contact Desort at those addresses.

As Desort said in his announcement, "Long live Isle Royale!" - Ed.

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## Help Needed to Acquire Prickett Lake Dam Property

(The Trust for Public Lands hopes to purchase 1,269 acres formerly owned by UPPCO at Prickett Lake and convey the property to the Ottawa National Forest within the next year. While this will insure the protection of only a small portion of land, the purchase *would* guarantee the existence of a protected river corridor between Sturgeon River Gorge Wilderness and the lake, as well as assure that no private development would occur along Forest Road 2270 near the Sturgeon River bridge. Here is an update on this important issue, along with action you can take to assist in this process.—Nancy Warren)



Prickett Dam  
Photo by Nancy Warren

To recap where we are in the FY10 appropriations process: Before the August recess, Congress had already made significant progress in the Interior Appropriations bill. The House passed its version, which included \$1.5M, and the Senate Appropriations Committee has passed its version of the bill, which included \$2.8M. \$2.8M is what is needed to acquire Prickett Lake and thus the message to the delegation is to please hold the Senate's level of funding!

At this point, the next steps are normally Senate passage and the production of the final conference report. However, as in previous years, the Senate floor is prone to getting clogged due to an already busy legislative schedule and/or partisanship, and it is becoming more of a possibility that in September or early October the final appropriations bills will be combined into a large omnibus package and passed in unison.

Given that timetable, letters of support will have the greatest effect if they arrive on Capitol Hill in early to mid-September. Please voice your support at this critical juncture in the congressional appropriations process. This outreach can make the difference!

( Miller goes on to offer samples of letters to Senators Levin, Stabenow and Stupak which you can find on our website, [upenvironment.org](http://upenvironment.org). She goes on to say, "Feel free to personalize these sample letters before sending to Congress. TPL would also appreciate receiving a copy of whatever you send. Please submit letters to the Michigan delegation *no earlier* than **September 8th, 2009**. Congress is in recess until the 8th, and submitting letters as soon as Congress returns maximizes the impact of our message." -Ed.)

- Emily Miller, Project Associate, Northwoods Initiative, The Trust for Public Land



**Yes! I Want to Help UPEC Make a Difference!**

(Please complete and mail to UPEC, Box 673, Houghton, MI 49931)

Name: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_

I'm already a member, but I'd like to make an additional contribution to the following fund(s):  
\_\_\_\_\_ UPEC Land Acquisition/Protection  
\_\_\_\_\_ UPEC Environmental Education  
\_\_\_\_\_ UPEC Outreach Fund  
\_\_\_\_\_ UPEC Endowment Fund\*

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

\_\_\_\_\_ Regular Membership (\$20)  
\_\_\_\_\_ Supporting Membership (\$50)  
\_\_\_\_\_ Student/Low Income (\$15)  
\_\_\_\_\_ Other (\$ )

\*If you make out your check to the Marquette Community Foundation and put **UPEC Fund** on the memo line, you can take a 50% tax credit on your Michigan return (up to \$200 for individuals, \$400 for couples). OR you can make your contribution directly to UPEC. We are a 501(c)3 nonprofit organization and contributions are tax deductible.

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**Dream Fish**  
**By Patrick St. Germain**

(The following is St. Germain's reverie on the illustration he provides on the back page of this newsletter.—Ed.)

Dreaming on a hot summer's night,  
I could see the future.  
I walked down to Marquette's lower harbor,  
Toward a fisherman on the break wall.  
He seemed to be expecting me.  
I could see a school of trout running,  
Cold and deep.  
A big one broke and took the fisherman's bait.  
The fish was played with determined ease,  
And when he tired,  
The fisherman gently pulled him from the water

**The fish burst into flames.**

The fisherman returned my shocked stare,  
With a hollow look, saying,  
"That's how it is now."  
Sometimes we have to work,  
So our dreams don't come true.

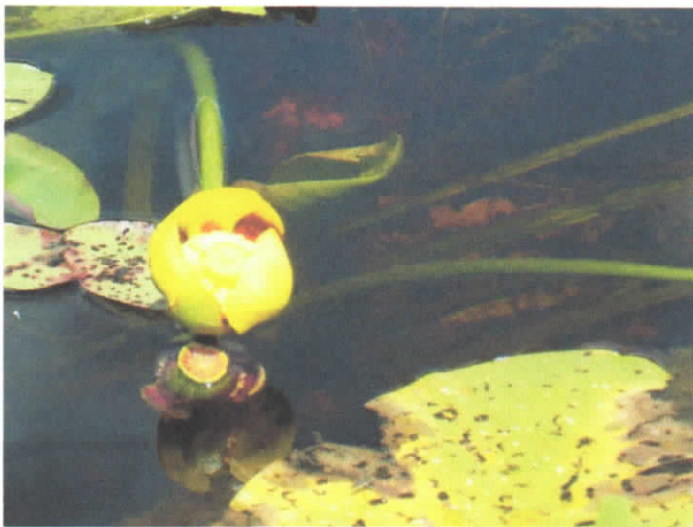
## Adventures Outdoors

In case you missed this summer's activities, the North Woods Native Plant Society has one last adventure slated for the season. On Sunday, September 13, the group will hike Limestone Mountain located near Baraga, MI. Ian Shackleford and Sue Trull will lead the group. For more information, email Sherry Zoars at [nwnpsociety@gmail.com](mailto:nwnpsociety@gmail.com).

The *North Woods Native Plant Society* is a group of professional and amateur botanists interested in learning about and preserving the native plants and ecosystems of the western U.P. and northern Wisconsin. They plan free field trips to special places every summer. The trips are open to folks at all levels of botanical knowledge.

Here are a few pictures taken by NWNPS member Sara Tsudome during one of the group's recent field trips:

RIGHT—Field trip participants searching for aquatic plants on McDonald Lake, Gogebic County



LEFT—Spatterdock (*Nuphar variegata*), a native water lily at McDonald Lake,

RIGHT—Garter snake at the boat landing



# UPEC Environment Education Grant Application

Date of Application \_\_\_\_\_ Applicant/Contact Person \_\_\_\_\_

Organization/School \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone (day) \_\_\_\_\_ (evening) \_\_\_\_\_ E-mail address \_\_\_\_\_

Project Name \_\_\_\_\_

First Time or Existing Program? (circle one) If Existing Program, Length of Program's Existence \_\_\_\_\_

Number of Students Involved \_\_\_\_\_ Number of Adults Involved \_\_\_\_\_

**On a separate sheet of paper, please address the following points and attach additional information as needed:**

- Rationale for Program/Project—Attach a detailed description, 1 page minimum
- Time frame for project (i.e. one day, 6 months, ongoing)
- Expected date(s) of project
- Total budget for Program/Project (Attach a breakdown of anticipated or known costs)
- Other funding sources (If an existing program, attach list of previous funding sources, including in-kind contribution.)
- If these other sources are not available, are there alternative opportunities for funding? If so, please describe.
- Does this program provide for community outreach and education? If so, how?

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## 2010 Priority Points!

**Once again, special consideration will be given this year to quality grant projects that address the potential impacts of sulfide mining on human and natural communities.**

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**Due Date: December 15, 2009**

Email completed application to  
upec@upenvironment.org or mail hard copy to UPEC, P.O. Box 673,

**Upper Peninsula  
Environmental Coalition**

**Return Service Requested**

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environmental qualities of the Upper Peninsula  
of Michigan by educating the public and  
acting as a watchdog to industry and government*



Dream Fish by Patrick St. Germain