

# High Court Cripples, Ridicules State Environment Act

Environmental champion Joan Wolfe was not crying wolf when she warned that the legal showdown over Nestle's Ice Mountain bottling operation in Mecosta County put the landmark 1970 Michigan Environmental Protection Act in jeopardy.

Subsequently, MEAP's authority for "any person" to bring a suit was crippled – and in fact ridiculed – last week in a 4-3 decision by the Michigan Supreme Court crafted by the Engler Four, justices elevated to that bench or the Court of Appeals by ex-Governor John Engler.

In striking down the Court of Appeals' embrace of an "ecosystem nexus" that gave plaintiffs in this case standing, the high court said this "would justify the standing of anyone but a Martian to contest water withdrawals occurring in Michigan."

On Friday, spokeswoman Michelle Begnoche said Governor Jennifer Granholm "is deeply disappointed that the Supreme Court would diminish the rights that Michigan citizens have enjoyed for more than 35 years."

Wolfe, founder of the West Michigan Environmental Action Council and first woman appointed to the Natural Resources Commission in 1973 (by Governor Bill Milliken), noted in commentaries for newspapers that Michigan's Constitution declares protection of natural resources are "of paramount public concern" to be addressed by the Legislature.

Traverse City attorney Jim Olson, representing Michigan Citizens for Water Conservation in action against Nestle, branded as "absurd" the Nestle position, embraced by the court, that the individual plaintiffs lacked standing because some of their property was not directly impacted by Nestle. He said, "It would mean any company could destroy the environment on its own property and no one could do anything about it."

Justice Betty Weaver, long at odds with her four fellow Republicans, said that with this and previous rulings they have "taken the power to protect the state's natural resources away from the people of Michigan, despite the people's stated belief that the natural resources of this state are of paramount concern." She said plaintiffs had standing to bring it because they "allege that the defendant's water pumping and bottling activities will irreparably harm Michigan's natural resources."

Justice Robert Young said Weaver's "bleak, apocalyptic

# Michigan Politics

By George Weeks



visions are false. Our holding today does not strip the Legislature or Michigan residents of their ability to protect this state's natural resources." Chief Justice Cliff Taylor, and Justices Maura Corrigan and Stephen Markman joined his opinion.

Maybe not strip – but certainly erode.

In her dissent, Democrat Justice Marilyn Kelly said the decision "extinguishes a valid cause of action for no reason other than its belief that the cause of action granted by the Legislature is too broad. Sadly, the majority does not recognize that this decision is not its to make."

So much for judicial restraint so relished by conservatives.

In his dissent, Democrat Justice Michael Cavanagh, like Weaver, a former chief justice, said the decision ignores "the interconnectedness of people and the environment in which we live."

Concerning environmental nexus, Milliken, who touted and signed MEPA, once quoted to the Michigan United Conservation Clubs what Suquamish Chief Seattle said more than 150 years ago: "The earth does not belong to man; man belongs to the earth. This we know: All things are connected like the blood which unites one family. All things are connected.

"Whatever befalls the earth befalls the sons of the earth. Man did not weave the web of life; he is merely a strand in it. Whatever he does to the web, he does to himself."

### EPA on Great Lakes

At last week's National Governors' Association meeting in Traverse City, Environmental Protection Agency Administrator Stephen Johnson said the multi-agency Great Lakes Task Force that he chairs has made "very good progress" in collaboration with states, cities, and tribes. (Chief Seattle

would be proud. Great Lakes tribes are heavily involved in broad environmental efforts, although in conflict with some states on fishing and hunting issues.)

"What progress?" challenged Granholm, who said Johnson was not specific when he told her, as he did the press, that of 48 near-term objectives, 12 had been met. Later the next day, EPA sent me its list.

Four of them involved aquatic invasive species, including "an action plan to develop inventories, mapping and treatment;" listing the silver Asian carp "as injurious," and creating a document and task for "rapid response" to the problem.

The list included something Johnson cited at his NGA press encounter: commitment of \$25 million to clean up Ohio's Ashtabula River, under the Great Lakes Legacy Act.

Steps also were cited for handbooks and survey forms for sanitary and wastewater treatment systems, as well as convening of a 2006 State of the Lakes session, as well as other conferences.

The EPA said it supported efforts of Great Lakes Sport Fish Advisory Task Force to develop new fish consumption advisories.

At least the Great Lakes are on the Bush Administration's radar screen; Johnson seems committed to a priority effort, and he talks an even better game than the administration's two previous chairs of the task force.

But the \$500 million currently spent by the federal government on Great Lakes projects is well short of expectations.

*George Weeks retired last year after 22 years as political columnist for The Detroit News. His weekly Michigan Politics column is syndicated by Superior Features.*

# Golf Outing Supports Breast Cancer Awareness August 14

Women interested in participating in a breast cancer awareness golf outing Tuesday, August 14 can register at Grand Hotel Pro Shop.

Forty players are expected to participate in the Rally for the Cure, which is being organized by Patti Ann Moskwa and is sponsored by The Yankee Rebel Tavern and Grand Hotel.

The golf match includes closest-to-the-pin and nearest-to-the-hole contests. Players who hit the green on the first swing will be given a golf ball marked with a pink ribbon, the breast cancer awareness symbol. All players will receive early detection information, a

pink ribbon golf pin, and a one-year subscription to *Golf For Women* magazine.

Since it debuted in 1996, the mission of Rally for the Cure has been to emphasize the importance of early detection in the successful treatment of breast cancer and to support the mission of Susan G. Komen For the Cure and eradicate breast cancer as a life-threatening disease. Breast cancer is the leading cause of death for women 35 to 54 years old, according to the organization, and the disease accounts for more than 75% of all cancer deaths in women 55 years of age and older.

# Heather May To Perform Sunday

Heather May will perform with Angela Biedenbender Sunday, August 5, at Ste. Anne's Church, as part of the Summer Concert Series sponsored by the Mackinac Island Community Foundation.

Miss May is a recent graduate of Central Michigan University, holding degrees in music education and flute performance. She spends the summer months residing with her family on Mackinac Island and is an active member in Ste. Anne's parish and a flutist at

Sunday morning masses.

Miss Biedenbender is pursuing a bachelor's degree in music education with an emphasis on piano at Central Michigan University. Together, they'll be performing *Lookout: New Sounds in Classical Music*, which will feature music from the early 1900s to the present date. Styles such as jazz, imagery, classical, and contemporary will be performed.

The concert will begin at 2 p.m. Admission is free.

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For business and subscription matters, phone (906) 643-9150

**Volume 54, Number 15  
August 4, 2007 to August 10, 2007**

Published 22 times a year, weekly from May through September, once in October, December, February, and April.

**Subscription: 22 issues a year Mail: \$25 Web: \$20**

Periodical postage paid at Mackinac Island, Michigan.  
Additional postage paid at St. Ignace, MI and Gaylord, MI  
USPS Periodical Publication Number - 324-060

Postmaster: Send address change notices to  
Mackinac Island Town Crier, P.O. Box 532, Mackinac Island, MI 49757

**Publisher Emeritus - Wesley H. Maurer (1897-1995)**

Publisher and Editor . . . . . Wesley Maurer, Jr.  
Associate Publisher/Business Manager . . . . . Mary Maurer  
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**Mackinac Island Yacht Club Bridge Results**

In Mackinac Island Yacht Club Bridge League games for the week ending Wednesday, August 1, Rita Sue Cohen placed first, Nicki Krzykowski placed second, Audrey Gallery placed third, and Dorothy Sharer placed fourth.