To: Swenson, Peter[swenson.peter@epa.gov]; Henry, Timothy[henry.timothy@epa.gov]; Melgin, Wendy[melgin.wendy@epa.gov]; Burdick, Melanie[Burdick.Melanie@epa.gov]; Pallesen, Reginald[pallesen.reginald@epa.gov]
From: Hyde, Tinka
Sent: Mon 2/9/2015 10:53:46 PM
Subject: FW: Article
removed.txt

FYI

From: Creal, William (DEQ) [mailto:CREALW@michigan.gov]
Sent: Monday, February 09, 2015 3:13 PM
To: Hyde, Tinka
Subject: FW: Article

From: Masterson, Mike (DEQ)
Sent: Monday, February 09, 2015 3:31 PM
To: Creal, William (DEQ); Fish, Kim (DEQ)
Subject: FW: Article

FYI

From: Casey, Steve (DEQ)
Sent: Monday, February 09, 2015 3:18 PM
To: Masterson, Mike (DEQ)
Subject: FW: Article

Steve Casey

UP District Supervisor

Water Quality Unit

Water Resources Division

Department of Environmental Quality

906.235-5771

From: Gustafson, John (DEQ)
Sent: Monday, February 09, 2015 3:15 PM
To: Fulcher, Jerry (DEQ); Wurfel, Brad (DEQ); Okeefe, Colleen (DEQ); Pennala, Virginia (DEQ); Casey, Steve (DEQ)
Subject: Article

More 595 stuff from behind the paywall….

Stand U.P. group raising funds for County Road 595 lawsuit

February 3, 2015

JOHN PEPIN - Journal Staff Writer (jpepin@miningjournal.net) , Mining Journal

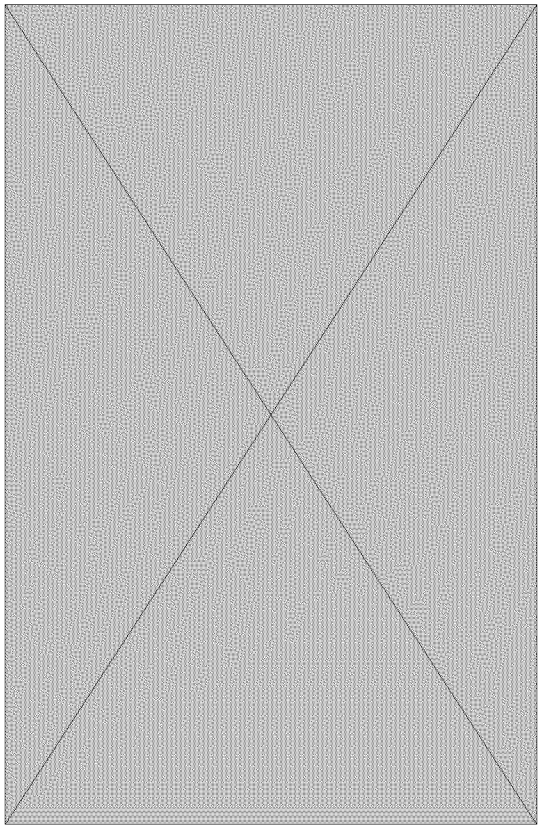
Save |

MARQUETTE - The non-profit corporation that will raise money for the Marquette County Road Commission's County Road 595 lawsuit against the U.S. Environmental Protection Agency is expected to be up and running in about 10 days.

Directors of the 501(c)(4) corporation called Stand U.P. revealed details Monday about the entity and its fundraising plans, while the efforts to establish the corporation continue.

"We wanted people to know who we are and what we're going to do and what our name is going to be and get that out there sooner rather than later," said Deborah Pellow of Tilden Township, who will be the chairwoman of the corporation.

Article Photos



BRADLEY

PELLOW

RETASKIE

Last month, the Marquette County Board voted 3-2 against supporting the lawsuit - not on its merits but because of no public disclosure of who was funding the legal challenge on behalf of the public road-building agency.

In addition to Pellow - who has a background in government as an elected official, serving most recently on the Marquette County Board - Tony Retaskie - who is the executive director of the Upper Peninsula Construction Council in Escanaba - will be the corporation's vice chairman and Stu Bradley of Ishpeming - a retired financial planner who worked recently to help create the Alger Marquette Technical Middle College - will be the treasurer.

The group will collect donations through a website, depositing the money in a local financial institution and later distributing it to attorneys for legal efforts and to the road commission as reimbursement should employees there do any work connected to the lawsuit.

"It's a local non-partisan coalition of Upper Peninsula residents and organizations working to support the road commission in its battle with Washington," Pellow said.

On Jan. 19, the road commission board voted to sue the EPA for the federal agency's 2013 refusal to remove a remaining wetlands mitigation-related objection to the Michigan Department of Environmental Quality issuing permits necessary to build the road.

The road commission's resolution to file the lawsuit, states the EPA's "arbitrary and capricious decision" to refuse to remove its objections has adversely affected the commission's "duty and ability to complete our mission to provide a safe and efficient system of county roads and bridges."

The 21-mile north-south all-season road was to run between County Road AAA in Michigamme Township and U.S. 41 in Humboldt Township, providing a much shorter route for truck traffic from the Eagle Mine to reach its Humboldt Mill.

Loggers, gravel haulers and others were expected to benefit from the road including those seeking increased recreational opportunities and emergency personnel on runs to rescue accident victims or to put out wildfires.

County Road 595 would also have moved a great deal of heavy truck traffic away from the city of Marquette and the busy U.S. 41 traffic corridor, including the cities of Negaunee and Ishpeming.

The project was expected to create more than 200 high-paying construction jobs.

Pellow said the road would have cut fuel consumption by 464,000 gallons annually and reduced air pollution by 56 percent.

Meanwhile, opponents of the road were largely aligned along environmental concerns, including wetlands issues and opening up the remote area to more traffic, development and industry, creating adverse impacts to birds, plants and other wildlife.

The road commission's decision to sue the EPA was dependent on no public funding being spent for the lawsuit. Needing a mechanism to handle the funding led to creation of the non-profit corporation.

"There's a lot of talk about no taxpayer money being used for this and we'll help assure that," Retaskie said.

The 501(c)(4) status of the corporation would allow donors to remain anonymous if they wish. Generally, deductions made to such organizations are not tax-deductible.

"We're just in the very beginning," Pellow said. "We have hired an attorney who will help us set up the corporation with the bylaws and the website and get that all up and running for us so we can begin to take donations."

The corporation is still working on its website, drafting articles of incorporation, securing directors and officers insurance, getting a tax identification number and designating a financial institution.

"This is all in the works, but it will come together quick, we hope," Retaskie said.

Some estimates have suggested $500,000 will be needed to fund the lawsuit. The directors of the corporation said they aren't sure how much it will cost, but will have a better idea once the road commission signs agreement letters with attorneys.

Clark Hill PLC, a downstate Birmingham-based law firm, will be working on the lawsuit on the road commission's behalf.

"One of the things that we would all hope for, maybe that the EPA would recognize maybe a way or an opportunity to drop their objections to the road and maybe it (the lawsuit cost) wouldn't be that much," Retaskie said.

Pellow estimated at least some funding would need to be raised within the next three to six months.

Bradley said the first step in the court process is determining whether the road commission has legal standing to bring the lawsuit, a ruling attorneys have suggested would take about six months for the U.S. District Court to make.

"The attorneys that we have dealt with think there is (standing)," Bradley said. "Of course, if that gets thrown out, we're done at that point."

The remainder of the lawsuit would likely take a year to complete, Bradley said.

In addition to the lawsuit, the corporation hopes to fund the services of David Lick from Foster Swift Collins & Swift

PC of Lansing, an expert in putting together private and public funding for infrastructure development.

"Should we raise enough money, this corporation will also engage him to put together some planning on how we could get this road funded in the future," Pellow said.

Cost estimates for building the road range between $80 million and $100 million.

Eagle Mine had previously agreed to fund road construction, had permits been issued before May 2013. Having spent more than $50 million on improving existing roads for an alternate trucking route, the company said recently it will not fund the lawsuit or the road, should permits be issued.

No cost estimate has yet been developed for Lick's services.

State lawmakers are backing the lawsuit efforts and have drafted resolutions for the Legislature.

"We knew all the legislators in the U.P. were supportive already," Bradley said. "They'd already done some discussion down there (in Lansing)."

Retaskie said the idea of appealing the EPA's decision through the courts or other avenues has been ongoing for the past couple of years.

Bradley said he was shocked the permit was not approved.

"I just thought it was so out of bounds of reality," Bradley said. "I just couldn't believe it."

The project had gained widespread support from local and state government officials and the road commission had offered 647 wetland acres adjacent to the McCormick Tract wilderness area as mitigation at a ratio of 26 acres preserved for each acre impacted by the project.

"We believe that this appeal process has to move forward in order to take the objections off of this road, because one our biggest concerns is that we'll never build another road," Pellow said. "This is bigger than the 595, this about ever building another road in the Upper Peninsula."

Pellow suggested the lawsuit needs to make a statement to the EPA.

"This is our way of life. This is our heritage, mining, logging, tourism. Now, you're interfering with our way of life and why we're here and you don't live here, we do," Pellow said. "It's all about taking back local control."

Meanwhile, the Marquette County Townships Association -which represents the county's 19 townships -voted in January to support the road commission's lawsuit, with more resolutions of support expected to be sought over the next several weeks.

John Pepin can be reached at 906-228-2500, ext. 206.