



West Michigan Environmental Action Council
1324 Lake Drive, S.E. Grand Rapids, Michigan 49506 616-451-3051

PRESS RELEASE

FOR IMMEDIATE RELEASE:
Friday, October 5, 1979

FOR FURTHER INFORMATION CONTACT:
Ken Sikkema - 616/451-3051

A MICHIGAN ENVIRONMENTAL ORGANIZATION HAS ASKED THE UNITED STATES SUPREME COURT TO REJECT SHELL OIL COMPANY'S REQUEST TO OVERTURN A MICHIGAN SUPREME COURT RULING BANNING OIL DRILLING IN THE PIGEON RIVER STATE FOREST.

THE WEST MICHIGAN ENVIRONMENTAL ACTION COUNCIL FILED A RESPONSE IN THE U. S. SUPREME COURT WHICH FLATLY REJECTS THE CLAIM THAT THE MAJOR OIL COMPANY WAS SOMEHOW DENIED DUE PROCESS OF LAW WHEN THE MICHIGAN SUPREME COURT HANDED DOWN ITS RULING LAST FEBRUARY 20.

KEN SIKKEMA, EXECUTIVE DIRECTOR OF THE WEST MICHIGAN ENVIRONMENTAL ACTION COUNCIL, WHO ALONG WITH TEN OTHER ENVIRONMENTAL ORGANIZATIONS SUED TO STOP THE DRILLING SAID, "EVER SINCE THE OIL COMPANIES LOST THE CASE IN THE MICHIGAN SUPREME COURT THEY HAVE BEEN GRASPING AT STRAWS TO FIND A WAY TO OVERTURN THAT DECISION. THEY HAVE NOW RESORTED TO ARGUMENTS THAT ARE SO INCREDIBLE THAT ONE SIMPLY CANNOT TAKE THEM SERIOUSLY. THEY NOW ARGUE, FOR EXAMPLE, THAT THEY WERE UNAWARE THAT THE IMPACTS OF OIL DRILLING WERE AT ISSUE! THAT IS NOT ONLY SQUARELY CONTRADICTED BY THE FACTS, BUT IT OBVIOUSLY FLIES IN THE FACE OF COMMON SENSE."

SIKKEMA OBSERVED THAT SHELL OIL'S RECENT ACTION HAS LITTLE TO DO WITH THE ISSUE OF OIL DRILLING IN THE PIGEON RIVER STATE FOREST:

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"THE OIL COMPANIES HAVE CLEARLY DECIDED TO USE THE LEGAL SYSTEM IN SUCH A WAY TO SIMPLY WEAR DOWN THEIR OPPONENTS ON THE PIGEON RIVER CASE. IT IS THEIR STRATEGY TO EXHAUST THE RESOURCES AND THE COMMITMENT OF THOSE OPPOSED TO DRILLING. THEY ARE COUNTING HEAVILY UPON THE IDEA THAT SPECIAL INTERESTS IN OUR SOCIETY WILL FINALLY PREVAIL, NOT BECAUSE OF THE MERITS OF THEIR CASE, BUT RATHER BECAUSE OF ACCESS TO VIRTUALLY UNLIMITED FINANCIAL RESOURCES.

"THIS PHILOSOPHY AND THIS SHAMELESS USE OF THE JUDICIAL SYSTEM AS A TOOL MUST BE FIRMLY REJECTED. THE OIL COMPANIES HAVE HAD THEIR DAY IN COURT, BOTH FIGURATIVELY AND LITERALLY. TO NOW SUGGEST THAT SOMEHOW THEY DID NOT KNOW WHAT THE ISSUES WERE, AND WERE PREVENTED FROM ENTERING EVIDENCE FOR THEM IS RIDICULOUS."

SIKKEMA CONCLUDED BY EXPRESSING CONFIDENCE THAT THE UNITED STATES SUPREME COURT WOULD REJECT THE OIL COMPANIES' REQUEST.



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NEWS RELEASE

FOR IMMEDIATE RELEASE
Tuesday, March, 1979

FOR FURTHER INFORMATION:
Kenneth R. Sikkema, Executive
Director, 616/451-3051

The West Michigan Environmental Action Council today responded to a recent motion filed with the State Supreme Court by three major oil companies. The oil companies, Shell, Amoco and Northern Michigan Exploration Company, have asked the Supreme Court to rehear the Pigeon River Case, decided on February 20, 1979, in favor of the Action Council and eight other environmental organizations.

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In a response motion filed with the State Supreme Court late Monday afternoon, the Action Council strongly took the oil companies to task for their recent action.

Ken Sikkema, Executive Director of WMEAC, summarized their response: "The assertion by Shell, Amoco and Northern Michigan that they were somehow denied due process of law when the Supreme Court rendered its final decision in the Pigeon River Case is truly beyond belief. They argued, based on testimony from the State's witnesses, that there was no impairment to elk, bear or bobcat - they they did not offer evidence of that fact at the trial. The oil companies now seek to shift the blame for the results of their tactical trial decision upon the plaintiffs.

"A lawsuit is not gamesmanship. It is an opportunity to present in an orderly manner the parties' contending positions. The oil companies

now assert that they have evidence that they did not offer to the Trial Court. If, in fact, that is the case, which we doubt, they must be bound by their conscious decision to not bring that evidence forth when they had an opportunity to do so.

"The attorneys for the oil companies are brilliant, knowledgeable and by all appearances, successful practitioners. Their own suggestion that they didn't know what they were doing at the trial is ridiculous."

Sikkema continued: "The Supreme Court's observation that 'The effects of these permits were comprehensively treated at the trial level, both by the parties and the circuit judge' (Op.5) is surely an understatement. Rarely have defendants entered a lawsuit more aware of the arguments they would face, for the issue of oil development in the Pigeon River Country has been before the public, courts and agencies for a decade. The trial was one of the longest in the history of the Ingham County Circuit Court. The transcript stretches to more than 4,000 pages. The parties entered almost a hundred additional exhibits.

"The defendants have had their day in court, both literally and figuratively."

Sikkema continued, "Litigation of this type must stop somewhere. To allow the oil companies to present further evidence which they now claim they withheld from the Trial Court would run contrary to the basic principles of our judicial system and fairness itself. The decision was fair, and the oil companies have offered no good reason to reverse it."

Sikkema concluded by noting that the Department of Natural Resources had declined to request a rehearing of the case, indicating their willingness to abide by the decision of the Supreme Court.



WEST MICHIGAN ENVIRONMENTAL ACTION COUNCIL

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November 26, 1980

Contact: Ken Sikkema, Executive
Director, 616-451-3051

FOR IMMEDIATE RELEASE

PIGEON RIVER DRILLING AGREEMENT REACHED

Ken Sikkema, Executive Director of the West Michigan Environmental Action Council (WMEAC), was in Northern Michigan today for the purpose of discussing a compromise drilling plan for the Pigeon River Country State Forest.

The Pigeon River Forest, located in Otsego and Cheboygan counties, has been the subject of one of Michigan's longest and most controversial environmental disputes. Since 1968, oil companies and environmental groups have battled over oil development in this large, semi-wilderness Forest.

Sikkema's organization has led the battle to protect the Forest for a number of years. In 1979 they won a State Supreme Court decision that banned the drilling of ten test wells in the Forest. In 1980, however, an Ingham County Circuit judge ruled that the oil companies could drill as long as they stayed off the 10 sites specified in the Supreme Court decision.

This new compromise Plan (see attached summary) was hammered out after weeks of negotiations between WMEAC, oil companies, and the Department of Natural Resources. It will be presented to the

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Phyllis Weber

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The Legislature, and the Governor for approval.

Sikkema said that the new Plan includes those elements which are necessary to protect the Forest from long-term environmental damage. He highlighted what he considered to be several important features:

"One of the most important provisions is this concept of 'sequential development.' This simply means that the area in which drilling will be allowed will be divided into three areas. Development can begin in one area and can proceed to the next only if the oil companies do all the work in an environmentally sound manner.

"Another important feature," Sikkema noted, "mandates that the interested public have an opportunity to comment upon the development plan. This is accomplished by establishing the Pigeon River Country State Forest Advisory Council as a public review board to advise the Director of the DNR on the development plan before it is implemented."

Sikkema also noted that the Plan included new, tough standards to prevent brine contamination and to control sour gas emissions: "The Plan for the Pigeon River Forest could very well become a model for the rest of the State regarding prevention of brine and sour gas problems," he said.

Sikkema also explained the necessity for a compromise at this time:

"The economic and energy problems which we face today have had an impact upon the attitude of the courts and the political climate in the Legislature. We must recognize this change, and realize that environmental gains are possible only by being flexible and maintaining a willingness to compromise those items that are not essential in order to achieve those that are.

"There are those who wish to maintain a position of no drilling in the Pigeon River Forest. We have fought shoulder to shoulder with these people for many years. They must realize, however, that some sort of drilling is almost

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certain, given our economic and energy problems. In the face of that fact, there is neither integrity nor virtue in maintaining a position that will ultimately result in less environmental protection or that will jeopardize our ability to independently enforce strict controls."

The Natural Resources Commission unanimously supported the compromise at a special meeting November 24 in Clare. Also, the agreement received the unanimous support of the House of Representative's Economic Development and Energy Committee on November 25 in Lansing. The Committee voted to replace S.B. 1119 with a legislative form of the compromise drilling plan. Governor Milliken has already said he will sign that bill once the Michigan Legislature approves it.



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November 13, 1980

FOR IMMEDIATE RELEASE

Contact: Ken Sikkema, Executive Director, 616-451-3051

PIGEON RIVER DRILLING AGREEMENT REACHED

Ken Sikkema, Executive Director of the West Michigan Environmental Action Council, today released details of a compromise drilling plan for the Pigeon River Country State Forest. The plan was hammered out after weeks of negotiations between environmentalists, oil companies, and the Michigan Department of Natural Resources.

The Plan (see attached summary) includes those elements which Sikkema had earlier said were necessary to protect the Forest and receive the support of a majority of those environmental organizations which had opposed drilling since 1968.

Sikkema maintained that, although the activities associated with oil and gas development will change the character of the Pigeon River Forest in the minds of some, these new elements are necessary to protect the wildlife, streams, groundwater, plant life, and other aspects of the Forest environment.

He noted that not everyone will be happy with the compromise:

"This is not a plan that will satisfy those who wish to maintain a position of no drilling in the Pigeon River Forest. No plan can ever do that.

"I deeply respect that position, however, and wish that the political, economic, and energy climate was such to enable us to sustain that position in the courts and in the Legislature. Unfortunately, it is not.

"It is critically important that we focus upon our goal in the Pigeon River controversy, what it is and what it is not. Our goal is not to maintain a position for the sake of maintaining a position. Our goal is, as it always has been, to protect the Pigeon River Forest. The way to do that in 1976 was to go to court and stop the drilling. The way to do that today in 1980 is to help draft a compromise plan and secure the legal right to see it enforced.

"In the real world, environmental gains are possible only by being flexible and maintaining a willingness to compromise those items that are not essential in order to achieve those that are.

"I appreciate and understand the deeply held beliefs of those who wish to continue the fight to prohibit oil drilling in the Pigeon River Forest.

"With some sort of drilling almost certain, however, there is no integrity in maintaining a position that will ultimately result in less environmental protection, or that will jeopardize our ability to independently enforce strict controls."

Sikkema said that he expected the Natural Resources Commission to adopt this new plan and the Governor and the Legislature to endorse it.



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"PIGEON RIVER" BILL
WOULD EXEMPT OIL AND GAS INDUSTRY
FROM ALL MICHIGAN ENVIRONMENTAL LAWS

April 21, 1980

Contact: Ken Sikkema, 616-451-3051
John Sobetzer, 313-879-6060

SB 1119, CALLED THE "HYDROCARBON DEVELOPMENT ACT OF 1980" WAS INTRODUCED IN THE MICHIGAN SENATE ON APRIL 3, 1980. SOLD AS A BILL TO "RESOLVE THE PIGEON RIVER IMPASSE", THIS LEGISLATION WAS CO-SPONSORED BY 20 OF MICHIGAN'S 38 SENATORS.

KEN SIKKEMA, EXECUTIVE DIRECTOR OF THE WEST MICHIGAN ENVIRONMENTAL ACTION COUNCIL, THE GROUP WHICH INITIATED THE PIGEON RIVER LAWSUIT, COMMENTED UPON THE IMPACT OF SB 1119:

"THIS LEGISLATION CONSTITUTES THE MOST FAR-REACHING SPECIAL INTEREST ATTACK UPON MICHIGAN'S ENVIRONMENTAL LAWS IN YEARS. STRIPPED OF ITS HIGH-SOUNDING AND CLEVERLY INSERTED RHETORIC OF PROTECTION FOR LANDS OF 'EXCEPTIONAL ENVIRONMENTAL VALUES', THE PASSAGE OF SB 1119 WOULD HAVE PRECISELY THE OPPOSITE EFFECT."

ASTOUNDING AS IT MAY SEEM, SB 1119 DOES THE FOLLOWING:

1. EXEMPTS ALL OIL AND GAS DRILLING ON STATE LANDS OF "EXCEPTIONAL ENVIRONMENTAL VALUE" FROM ALL OF MICHIGAN'S ENVIRONMENTAL PROTECTION LAWS, INCLUDING THE LANDMARK MICHIGAN ENVIRONMENTAL PROTECTION ACT;

2. PAVES THE WAY FOR OIL DRILLING IN THE GREAT LAKES.
3. IF AND WHEN A DECISION IS MADE TO DRILL IN THE GREAT LAKES, EXEMPTS THAT DRILLING FROM ALL OF MICHIGAN'S ENVIRONMENTAL LAWS;
4. DECREASES THE POWER OF THE NATURAL RESOURCES COMMISSION TO CONTROL OIL DRILLING ON STATE LANDS OF "EXCEPTIONAL ENVIRONMENTAL VALUE";
5. FAILS TO REQUIRE THE OIL COMPANIES TO PROVIDE THE SEISMIC DATA THEY HAVE, THUS LEAVING THE STATE KNOWING SUBSTANTIALLY LESS ABOUT ITS OWN RESOURCES THAN THE OIL COMPANIES;
6. FAILS TO PROVIDE FOR THE OPTIMAL USE AND LONG TERM ECONOMIC RETURN FOR THE STATE ON ONE OF ITS MOST VALUABLE POSSESSIONS - THE OIL UNDER ITS LANDS;
7. FAILS TO PROVIDE FOR COMPREHENSIVE PLANNING FOR OIL AND GAS DRILLING ON ALL STATE LANDS.

THE PASSAGE OF THIS LEGISLATION WOULD, ACCORDING TO SIKKEMA, HAVE FAR-REACHING IMPACT UPON ALL PUBLICLY-OWNED ENERGY RESOURCES FOR YEARS TO COME:

"SB 1119 WOULD ALLOW NOT ONLY THE OIL COMPANIES TO EXTRACT PUBLICLY-OWNED OIL AND GAS, WITH ABSOLUTELY NO ENVIRONMENTAL RESTRICTIONS, AT THE CHEAPEST POSSIBLE COST TO THEM, AND AT THE LOWEST POSSIBLE RETURN TO THE PEOPLE OF MICHIGAN, BUT IT WOULD ESTABLISH A PRECEDENT FOR HOW ALL OF MICHIGAN'S PUBLICLY-OWNED ENERGY RESOURCES WILL BE UTILIZED IN THE FUTURE, INCLUDING, IN ADDITION TO OIL AND GAS, SIZEABLE DEPOSITS OF COAL AND OIL SHALE."

SIKKEMA NOTED THAT THE PASSAGE OF SB 1119, AS INCREDIBLE AS ITS IMPACT WOULD BE, HAS BEEN WELL ORCHESTRATED. IT WAS CO-SPONSORED BY 29 OF MICHIGAN'S 38 STATE SENATORS, AND WAS ROUTED AWAY FROM THE SENATE ENVIRONMENTAL AFFAIRS COMMITTEE, WHERE IT WOULD HAVE RECEIVED VIGOROUS SCRUTINY.

SIKKEMA CONCLUDED: "THE IMPLICATIONS OF SB 1119 TO MICHIGAN CITIZENS, OUR PUBLICLY-OWNED NATURAL RESOURCES AND TO THE GREAT LAKES ARE ENORMOUS AND FRIGHTENING. SB 1119 MAY REPRESENT THE INTERESTS OF THE OIL COMPANIES VERY WELL, BUT IT FAILS TO ADEQUATELY REPRESENT THE PUBLIC'S INTEREST."