

S.O.S. DUNES NEWS

Save Our Sand Dunes

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NEWS BRIEFS

PTD FILES APPEAL IN LAWSUIT

On March 21 Preserve the Dunes filed its brief in an appeal of the rulings in its case against TechniSand and the DEQ.

We contend that the sand dune mining law clearly prohibits expansion of a sand dune mine into a critical dune area unless prior to July, 1989, the operator owned the land and held a sand dune mining permit for the adjacent land. Judge Schofield erred in his ruling that the critical dune area could be mined as long as some sand dune mining operation existed on the adjacent land in July, 1989.

The appeal also maintains that Judge Maloney erred by apply-

ing the wrong standard in making his ruling. The trial court ruled that the destruction of this particular critical dune was not an "impairment or destruction" of a natural resource which it defined as the entire critical dune areas of the state. The court supported its conclusion by stressing the fact that the 71 acres of critical dune area at the Taube Road Site is only a tenth of one percent of the critical dune areas of the state as a whole. With such an interpretation, the law would only protect the last critical dune area.

The full text of the appeal brief is available on the web site: <http://www.daac.com/sosdunes>.

HAGAR TOWNSHIP SAYS NO

On January 6 the Planning Com-

mission held a public hearing on TechniSand's application to rezone the Nadeau Site from Agricultural/Residential to either Commercial or Industrial.

Around 60 citizens attended the hearing. Twenty or more people spoke in opposition to the application. No one spoke in favor.

The mineral removal ordinance does not allow mining in an Agricultural/Residential District. The obvious and announced purpose of the rezoning request was to allow TechniSand to apply for a special use permit and a sand mining permit. The Zoning Commission denied the request on the basis that the change was inconsistent with township's master land use plan. Neither use is compatible with adjoining



Destruction continues at Nadeau Pit, Cell Unit 8. Another majestic dune reduced to a plain. Soon it will be a part of the dredge lake.

properties.

TechniSand then reapplied — this time for a change to R-2 Residential. An even larger group of citizens attended the public hearing held on February 12. Again the Planning Commission rejected the application. Evidence was presented that the land could not support such dense development. Many citizens were upset with attempts to limit discussion to general zoning and land use issues and to not allow a discussion of the impacts of the sand mining — which is the only reason TechniSand wants to have the site rezoned.

At its regular meeting on April 9 the Township Board voted (5-0) to confirm the actions of the Planning Commission. Their action upholds the zoning ordinance and the township's master plan. TechniSand may still try to have the courts overrule the township's actions, but we believe that they have no grounds for doing so.

DEQ HEARING ON NADEAU PIT

On Monday, February 26 the DEQ held a hearing on TechniSand's application for a renewal of its sand dune mining permit at the Nadeau Pit. The law requires the DEQ to renew a permit if the operation is in conformance with the law and the conditions of the permit. However, if the operator fails to comply with the law or the conditions of the permit, the DEQ may revoke the permit.

PTD had requested the hearing because of the numerous violations we had reported to the DEQ. This is the only recent sand dune mine permit renewal for which a hearing has been held.

Eighty citizens attended the hearing. Many spoke in opposition — no one spoke in favor. PTD filed its comments in writing after the meeting. They are available at the web site: <http://www.daac.com/sosdunes>. Sixty-five persons signed a petition opposing the renewal that was circulated at the meeting. Representative Mary Ann

Middaugh attended the hearing and spoke at the beginning of the meeting of her interest in the issues and the concerns of citizens.

KNAUF PROPERTY STATUS

Last summer the DEQ held a public hearing on the permit applications made by TechniSand to mine the Knauf Property. One application was for a permit to mine in a sand dune area. Another was to dredge a lake in order to remove sand from below the water table, and a third was to build a road across a wetland.

This parcel is surrounded on three sides by the Ross Nature Preserve and is accessible only by filling part of a wetland to build a quarter-mile long road across it. PTD raised questions about the impacts on the surrounding wetlands, including Mud Lake, and challenged the analyses submitted with the applications.

In response to these questions and the public outcry at the hearing on the permits, the Land



Sand blown from the active face of the mine has covered the north slopes of the dunes north mine and adjacent to Rogers Creek. The deposits are already two inches deep threatening vegetation on the slope. Sand has reached the creek threatening this natural trout stream.

and Water Management Division (LWMD) of the DEQ requested additional information and engineering analyses. When no response was received in 30 days, the LWMD made the file inactive. To date no additional information has been submitted by TechniSand.

PROPERTY TAX EQUITY

Recently, PTD checked the property taxes that TechniSand is paying in Covert Township. Their current tax bill on all of their property is about \$8,300. This includes the Nadeau Pit where they have been removing 450,000 to 500,000 tons of sand a year with a market value of approximately \$9,000,000 each year. Their property also includes the cemetery site and land across 38th Avenue that is currently being mined. Other properties include unreclaimed mined-out sites known as:

- Busse Property (On the Blue Star Highway north of Covert Road)
- Garlanger Property (On 34th across from the transfer station)

ROSS PRESERVE TOUR

Saturday, May 12, Chuck Nelson will conduct a tour of the Ross Preserve for citizens of Covert and members of Preserve the Dunes. The tour will begin at 3:00 PM from the south entry to

the preserve (on the north side of CR376 across the road from the Dunes Lake Campground). See map below.

BOARD OF DIRECTORS ELECTED

The new board and officers were elected. They are:

- President: Charles Davis
- Vice President: Georgia Boerma
- Secretary: Mary Stephenson
- Treasurer: Hugh Anderson
- Bob Brickman
- Steve Brickman
- Eric Brown, Sr.
- PJ Canonie-Bubin
- Marshall Eisenberg
- Hub Erickson
- Herm Hoeksema
- Butch Kelley
- Don Moore
- Nancy Owen
- Susan Pritzker
- Gerard Thomas
- Dick Williamson

SCHOLARSHIPS

PTD is again offering scholarships to teachers in Covert, Riverside and Coloma schools for a graduate course in ecology at Western Michigan University. Chuck Nelson, Director of Sarett Nature Center, is the instructor for the course. Field work is done at the Ross Preserve and Sarett Nature Center. The course will be taught during the summer session.

TAKING SAND DUNE PROTECTION ON THE ROAD

This summer the Lake Michigan Federation will host workshops on sand dune protection for community leaders and interested citizens. The focus of the workshops will be on the "how to" and "why" of involving local communities in sand dune protection.



Please return this response form to support the goals of Preserve the Dunes.

We need to tell elected officials and government employees how many residents and property owners support these efforts. This measure of support is critical to successfully protecting the dunes and restricting sand dune mining. Only your name and address are necessary.

If you can also contribute financially, the funds are needed to continue our struggle to preserve the dunes through distribution of information, keeping our state representatives and local officials informed, and ensuring that the laws governing sand dune mining are enforced.

Preserve the Dunes, Inc. — Response Form

Mail the completed form to Preserve the Dunes, Inc., Post Office Box 581, Riverside, MI 49084-0581

I want to preserve the dunes of southwest Michigan and am concerned about the expansion of sand dune mining.

Name(s)		
Home Address		Michigan Address (if different)
City, State, Zip		City, State, Zip
Telephone 1	Telephone 2	Telephone
Fax	eMail	Fax

Annual Membership Form

In addition, enroll me(us) as a member for 2001. <input type="checkbox"/> Individual (\$6) <input type="checkbox"/> Family (\$10) I have also included a contribution in the amount of \$	Please contact me to work on the following committees: <input type="checkbox"/> Legal Affairs <input type="checkbox"/> Finance/Fund Raising <input type="checkbox"/> Newsletter <input type="checkbox"/> Public Hearings <input type="checkbox"/> Memberships	Membership dues underwrite the expense of keeping members informed about efforts to preserve the dunes and monitor sand mining activities in Berrien and Van Buren counties. <u>Checks should be made payable to West Michigan Environmental Action Council/Preserve the Dunes Fund.</u> Contributions are tax deductible.
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“Those dunes are to the Midwest what the Grand Canyon is to Arizona and the Yosemite is to California. They constitute a signature of time and eternity. Once lost, the loss would be irrevocable.” — Carl Sandburg

The printing and mailing of this newsletter was made possible by a grant from the Charles Stewart Mott Foundation.

Included in the agenda will be a number of informative presentations including:

- The ecological importance of sand dunes
- A presentation on the history of dunes
- A panel of community leaders that have been involved in their community on protection issues,
- A session on preservation options that are currently available
- And “next steps” an open discussion to prioritize local sand dune protection actions

The workshops will conclude with a special performance by the Bear Creek Players, a college theater group under the direction of Max Bush. This portion of the workshop will be free to the public and include a special viewing of the exhibit, *A Celebration of Student Sand Dune Art*.

The workshops will be held in three different communities starting in May. The dates and locations are:

- May 5 Hilt Building, Muskegon
- June 16 Ramsdell Theater, Manistee
- July 7 Box Factory for the Arts, St. Joseph

The cost of the workshop is \$30.00 and includes lunch, refreshments and handouts. A limited number of scholarships will be offered. For information or to register, contact Jamie Morton at jmorton@lakemichigan.org or 231-722-5116.

NEW ADDRESS

The Hagar Shores post office is closing and we have had to change our mailing address. It is now:

P.O. Box 581
Riverside, MI 49084-0581

FUNDING NEEDED

PTD has been opposing the opening up of additional critical dune areas to sand mining since 1997. Our lawsuit against TechniSand and the DEQ has been expensive. We have filed our appeal. We believe we are close to winning. We must not reduce the quality and extent

ADDRESS SERVICE REQUESTED

Preserve the Dunes, Inc.
P. O. Box 581
Riverside, MI 49084-0581

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