

WE NEED NATURE **The Importance of Wildcat Falls Community Forest**

A story of perseverance to conserve a Special Place

By Lynx Caterwaul

In one of the least populated counties east of the Mississippi River, way up toward Lake Superior in Michigan's Upper Peninsula, a small but tenacious group has been working for over a decade to protect a special place; its wildlife, trees and water as well as our common access to enjoy it. The land in question is a modest 160 acres, but encompasses all the natural features one could look for on a much larger scale. There is a waterfall, a twenty five foot cascade on a trout stream gaining momentum as it flows to Lake Superior. There are stands of old growth forest, with all the unruly disorder these dynamic ancestors create in their ecological marvel. There are Precambrian rock bluffs and outcrops, creating a canyon over the creek, providing bat hibernacula as well as habitat for bob cats and assorted reptiles. There are vernal pools which house tiny fairy shrimp, as well as ponds created from feeder streams backed up by beaver activity. There are giant white pines, which are inhabited by over 40 species of song birds. But most importantly, there are two legged types who care enough to maintain these special features for the next generation.

Once a somewhat isolated part of the one million-acre Ottawa National Forest, this ecological gem was nearly sacrificed through a bureaucratic process called a land trade, intended to benefit the greater good of the overall forest. In this case the good was an increase in acreage; but the increased acreage was cut over, mundane lands. (To be fair, the swap likely helped consolidate some boundary issues.)

To explore this history, there's a public process to wade through, guided by the *National Environmental Policy Act (NEPA)*. In 2007 a private individual, we call him R.D., proposed a land swap to the *Ottawa National Forest (ONF)*. In January '09, R.D. signed an exchange agreement with then ONF supervisor Susan. Shortly after, in the NEPA process, the ONF sent preliminary scoping documents to interested parties. An opposing group came forward, at least early on, four people at most, representing two small, grassroots groups titled Partners in Forestry (PIF) and *Northwoods Alliance (NWA)*. The groups (let's just refer to them as NWA) objected to the trade. They at least had made a careful visit to the land in question. By 2010, things were getting serious as the ONF was conducting an *Environmental Assessment (EA)*, which alarmed NWA. Also, in 2010 the ONF conducted appraisals in preparation for the trade.

In early 2011 the ONF Supervisor Keith (the second supervisor so far) signed a *Decision Notice & Finding of No Significant Impact (DNFONSI)* affirming the trade. NWA went to work on behalf of the land, you and I, and wrote an appeal under the NEPA process. In May, the USFS appeal official reversed the DNFONSI because, as NWA had stated in their appeal, the *Old Growth Cedar & Hemlock* was being dismissed as insignificant! As elated as NWA was, the joy would be short lived. By October 2011 the ONF had revised the EA, admitting to the loss of old growth and other issues, which seemingly would pass the NEPA muster test. (The waterfall was not

important because, “there are other waterfalls on the ONF”). The trade was once again revived. But resistance was growing however. Now there were three dozen comments in opposition, not one or two as during the last round. Just after Christmas 2011, the third ONF supervisor involved, Tony, had signed a new *DNFONSI*. Turning back to early 2011, two trade opponents had met with the ONF over the appeal (the ONF asked for the meeting.) Following the second appeal written by NWA a group of about eight met with Tony and staff in March 2012. Not much was accomplished at the meeting; but, according to notes reviewed by the author, Tony said “I could approve a bombing range on the ONF and as long as I disclose it, it’s legal under *NEPA*; it’s all about disclosure”.

April 2012 was a busy month for NWA. On the first day they guided over 100 people on a hike, possible in the U.P. at that date only because March had ushered in an unusually early spring. The event was billed *Last Chance to Visit Wildcat Falls*. On Good Friday NWA delivered a petition to the USFS regional office where the appeals are decided. There were 1200 online signatures opposing the trade. Shockingly, all appeals were denied on April 13, and it was not even a Friday.

Give up, it’s done, we lost? Not this group. They located and retained a *NEPA* attorney from the west coast. She filed a lawsuit in federal court representing NWA and eight associated plaintiffs. This was a big step; the process was kept on hold for four years with legal proceeding. Some strange things occurred; for example, the plaintiff’s attorney entered the land appraisals into the court record. The US attorney objected in a motion, stating that the appraisals “are irrelevant because the deciding official *had not read the documents*”. Tony had admitted as much in the 2012 meeting, saying he had not visited either parcel. Quite the decision to make with no visit, and not reading the appraisals. Shame on you, Tony!

By September 2014, the lawsuit decision was out and affirmed the trade. Immediately the NWA attorney filed an appeal in federal court. With a decision in Nov. 2015, the appeal was denied stating ‘The plaintiff’s objections were satisfied because the ONF reduced the acreage given up in the trade to satisfy the plaintiffs.’ This statement was erroneous. The acreage was dropped to bring the values in line with the law around federal land trades, and the adjusted acreage was used in the original *DNFONSI*. The acreage adjustment had nothing to do with the objections to the trade. However, a motion for rehearing based on erroneous facts was denied in January 2016, and by late 2016 the trade was completed. R.D., the private individual, owned the land.

NWA had no regrets about filing its objections, perhaps anticipating the next step. Throughout this ten year process a lot had changed for R.D.; turning former ONF lands into real estate developments no longer interested him. He approached NWA, asking if there was interest in a purchase. After months of topsy-turvy negotiations through 2017, a conservation minded partnership in the NWA network assembled, gathered some retirement funds for a short-term land purchase, and bought out R.D. by the beginning of 2018. The partners then went to NWA with a letter of intent, requesting a conservation solution within three years. An

opportunity had arisen, more truthfully was created by continuing perseverance from this small group.

NWA was familiar with the USFS Community Forest Program. This federal program helps non-profits protect forests with important conservation features benefitting communities. NWA looked to them as a possible 50% source of funding. Community building and fundraising began in early 2018. The project may have looked speculative but some good things happened and some funds were raised. NWA wrote the application to the USFS Community Forest Program (CF) with the hope that the remaining funds could be obtained by reaching out to more people who care! The CF grant award was announced by mid-summer 2019, and this project, titled Wildcat Falls Community Forest, was ranked number four in the nation, out of fifteen funded projects!

So here we are. Northwoods Alliance was awarded the Community Forest grant for 50% of the acquisition. To date they have raised just over half of the required 50% match. The overall budget was \$295,000; the amount still needed is now just under \$70,000.

If you agree we need nature, and if you care, perhaps you want to help to raise needed funds. The folks at NWA have spent ten years in this struggle. Ten years is not much in the life of an old growth forest, Precambrian bedrock, a waterfall and all this splendor surrounding it.

You can learn about the good work these folks have accomplished in Wisconsin and the UP, with no salary and no benefits but the lasting harmony of the natural world.

www.northwoodalliance.org

www.partnersinforesstry.com