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Historical Dispute Has Lessons For Today

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By Mary Ellen Geist (mailto:payettepc@interlochen.org)

The State Bar Association gathered last week to remember the first major confrontation between environmentalists and oil and gas developers in northern Michigan. Three decades ago conservationists prevailed in a legal campaign to prevent big oil companies from drilling in the Pigeon River Country State Forest.

Hippie Lawyer Wages War

In 1969, Roger Conner was described by the media as a long-haired, blue-jeaned environmentalist. His hair is gray now and cropped short. He didn't wear blue jeans at the meeting of the State Bar Association gathering in Gaylord. But he's just as proud as he was when he filed a lawsuit under the Michigan Environmental Protection Act, which touched off a decade of historic litigation:

"I was a new lawyer fresh out of law school, director of the West Michigan Environmental Council and I read about the oil drilling," he recalls. "I said, "This is wrong.

"I filed the lawsuit in Ingham County Circuit Court to stop the oil drilling. And that's how it all started "

Conner now runs the Advocacy Project at Vanderbilt Law School.

In the 1970's, he scored a huge legal victory. In a 4-to-3 vote, the Michigan Supreme Court barred the drilling of 10 exploratory wells in the Pigeon River Country State Forest. The court determined that the completion of the wells would harm the habitat and elk herd in violation of the Michigan Environmental Protection Act. The following decade of legal wrangling in the state legislature and the courts resulted in an historic compromise between hunters and fisherman, environmental groups, oil companies and the state.

Lesson Learned By Big Oil

Tony Smith represented the Shell Oil Company in this landmark dispute: "Well, I think, among other things, it taught us that you don't necessarily litigate your way to success or to resolution of problems. It causes people to sit down and talk and see what can be worked out. And this, I think, was a good example of that."

While they spoke, oil oozed out of the ocean floor off the coast of Louisiana. And in Northern Michigan, speculation continues that a new drilling boom could be underway.

Activist Says State Needs To Protect Today's Landowners

Roger Conner does not think the state has learned much from what happened in the Pigeon River. He thinks oil and gas companies are being given too much power today. He says in Michigan, it's time for state officials to step in, to protect people who are being pressured to lease their land for drilling.

"Someone needs to find out right now what offers are being made to farmers, and put it on the web," Conner says. "Number two is that the regulators in Michigan should immediately issue an order that they must inform everyone what they're offering the farmers, or the agreement is not valid.

"And the attorney general should initiate legal action against them right now, saying they may not defraud the landowners by going in and low-balling people who do not have sophistication or access to legal knowledge. Your attorney general should step in and put a stop to this right now."

But Tony Smith, who represented Shell Oil in the 70s, says not to paint big companies into a corner. He says environmental compromises can be reached.

"I'd like people to remember is that oil companies, particularly the three that I represented, did have a conscience. They did act ethically. They made promises. They kept their promises, and, in fact, were successful in producing oil and gas. And they did it without harming the environment."

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