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WHO HAS THE RIGHT TO PROTECT OUR NATURAL RESOURCES?

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Recently, the Michigan Supreme Court made a drastic change in our rights, as citizens, to protect Michigan's natural resources.

It all started in 2000 when Nestlé, who produces Ice Mountain® bottled water, purchased groundwater rights to Sanctuary Springs in Mecosta County. Nestlé planned to take up to 400 gallons *per minute* from this aquifer which directly connects to numerous bodies of water including Osprey Lake, Thompson Lake, the Dead Stream and several wetlands. Because of the harmful and possibly irreparable impact of Nestlé's actions, local property owners and the non-profit organization Michigan Citizens for Water Conservation (MCWC) brought legal action under the Michigan Environmental Protection Act (MEPA) to stop Nestlé. MEPA's purpose is to give the citizens of Michigan the power to protect the environment.

The case ultimately went to Michigan's highest court. In *Michigan Citizens for Water Conservation v. Nestlé Waters North America Inc.*, the Michigan Supreme Court held that the MCWC did not have 'standing' to bring the action. Standing is an initial threshold that a plaintiff (the person or group raising the legal challenge) must satisfy before a court will consider the challenge. Essentially, this case severely limited the rights that we, as citizens of Michigan, have to challenge actions that impair our natural resources under MEPA. This decision was a deviation from 30 years of understanding that MEPA empowered private citizens to enforce the environmental laws and to protect the natural resources of this State.

On July 31, 2010, the Supreme Court reversed its prior decision in *Nestlé*. The Court restored *your* rights under MEPA by stating that the approach used in *Nestlé* had no basis in the Michigan Constitution and was inconsistent with Michigan's historical approach to standing. Through this opinion, the Court returned your right to take legal action to protect all of Michigan's natural resources from harm.