

PLATTE LAKE IMPROVEMENT ASSOCIATION

P.O. BOX 272

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April 15, 2010

www.platte-lake.org

Dear PLIA Member:

Greetings from Platte Lake! Please make yourself comfortable and take a few minutes to bring yourself up to date about what has been going on with your favorite lake.

As discussed at the August, 2009 annual meeting, the DNR hatchery had a few minor discharge violations in the beginning of the year and then came back into compliance.

From September to the end of the year things really got away from them through a combination of increased production, over-feeding, and lack of due diligence. This resulted in a severe overrun of their 3 month 55 lb. phosphorus limit and their 175 lb. yearly limit. The court-mandated settlement agreement of 2000 stipulates a fine of \$500 for every pound over the limit for both the 3-month and annual periods. The net result is that the DNR owes \$118,000 in fines for 2009 to the MDNR/PLIA Penalty fund, to be used for agreed upon watershed improvement projects. More importantly, the increased phosphorus load can only be detrimental to the lake. To this end, emergency steps have been taken at the hatchery and more changes are coming to tighten the discharge control. Feeding was drastically reduced, filters altered, and other procedures too technical to go into here put in place so that the discharge so far in 2010 has been well under the limit.

It has been 10 years since the March, 2000 settlement agreement and we have been meeting with the DNR and settlement coordinator Dr. Canale every two weeks.....all that donated volunteer time spent to keep the agreement on track. Your lake has steadily improved during these years both by appearance and constant testing measurements as the hatchery discharge has been tightly monitored and controlled. We absolutely can't let the DNR backslide after all the effort and dollars expended bringing us to this point. The PLIA board agreed that we must mandate compliance by the conditions of the Settlement Agreement signed by all parties in response to this large yearly violation. Therefore, we have re-engaged our attorney, Fred Dilley of Grand Rapids, who officially put the MDNR on notice via a Dec. 17, 2009 letter reminding them of their obligations for compliance. The pertinent section of the Settlement Agreement is reprinted below:

D. Violation Limits

- i. When penalties accrued in any calendar year equal or exceed \$10,000, the MDNR or its successor(s) shall be required to Show Cause to the Court as to why it is in violation of the Judgment provisions, show what steps it is taking to prevent the reoccurrence of the events which caused the penalties and why it should be allowed to continue to discharge. If the penalties equal or exceed \$10,000 in three consecutive years, the penalties shall be doubled for the third consecutive year.**

Not to put the DNR on notice at this time could be seen by the State Attorney General's office as an admission by the PLIA that we did not care about settlement agreement compliance and therefore the DNR need not comply. We are incurring legal costs in the enforcement of the Settlement Agreement and related "Show Cause" hearing, etc.. To that end, we really need your

continued support and that of all your neighbors who may not be members. PLEASE encourage them to join. Right now a few of us are carrying the burden for all who are enjoying the lake.

The DNR has admitted their discharge failures and has agreed to extend the Lake and River Sampling Program so that the mandated period of 5 straight years of compliance now runs through 2014. This costs the state about \$250,000/yr. In preparation for the Show Cause Hearing, yet to be scheduled, Dr. Canale has drafted a complete operating model for hatchery procedures delineating what steps need to be taken to control discharges to maintain compliance with the Settlement Agreement. This document is now in the hands of hatchery officials. After this newsletter, we will be periodically updating the PLIA website with the latest information. Please check the PLIA website regularly for updates. Additionally, I am available to discuss details with any member. Please e-mail me at the PLIA website and leave your phone number. I will call you.

In other news, Benzie County has eliminated county zoning effective March 31 as a cost cutting move. Planning and zoning falls back to each township. Platte Lake is in both Benzonia and Lake Townships. Lake Township's zoning wording was updated in 2005 with much input from the PLIA as it related to lakeside buffer zone management, phosphate fertilization bans, etc, in an effort to further protect Platte Lake. In 2009, supported by the efforts of PLIA members at the July 1, 2009 Benzie County Planning Commission Meeting, the same zoning was adopted for the Benzonia Township portion of Platte Lake. We accomplished our goal of getting the same wording and regulations adopted as an overlay district on the Benzonia Township portion of the lake. The adopted Overlay District has been successfully transferred to the new Benzonia Township Zoning Ordinance.

Our critical task at this time is to maintain the Platte Lake Improvement Association as a viable entity in our effort to restore Platte Lake. In order to accomplish this task, we need your help in recruiting members. If your neighbors are not members, please urge them to become members and feel free to get me or anyone on the PLIA involved in the recruiting effort. If you have new neighbors who have recently purchased their property, please talk with them and if you feel you need help from the PLIA, please ask via the web site or call me. The burden of cleaning and maintaining Platte Lake in a pristine condition needs to be shared by all. The PLIA Officers and Board have donated thousands of hours of their time over the years and it has all been volunteered. No one has been compensated other than for direct expenses. You can not ask or expect anymore from people that are doing your business! They need support and freeloaders and backsliders should be more than a little embarrassed for not doing their part.

We have come a long way in restoring and maintaining Platte Lake. It did not happen by accident. We had to fight to get the State of Michigan into compliance and that fight is not over as witnessed by the 2009 Settlement Agreement violations. Again, please help us out in any way you can and make sure your neighbors belong to the PLIA. If you need assistance in recruiting, please speak with them and have them call me. The Annual meeting will be 10:00 AM Saturday August 7, 2010 at the Homestead Township Hall. Mark you calendar and bring a non-member.

Thanks,

Wilfred Swiecki
President, PLIA
231-325-2046