

PRESS RELEASE – FOR IMMEDIATE RELEASE

Subject: Proposed Settlement Agreement with the MDNRE resolving the swim area litigation to be considered by the City Commission at its Regular Meeting of March 15, 2010.

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1. Clinch Park Beach. The City will apply for a permit and a permit will be issued by the DNRE authorizing the City to place swim buoys for up to 800 feet along the shoreline and up to 100 feet lake ward at the westerly edge of the swim area and up to 125 feet lake ward at the easterly edge. These measurements do not include the buffer zone of 50 feet that will be added on all sides of the bathing areas. The location of the swim area will be as depicted on the attached map D2 and may not be moved. However, the area may be contracted or expanded up to the maximum size by the City at any time during the year or future years.

2. Volleyball Court Beach. The City will apply for and a permit will be issued by the DNRE authorizing the City to place swim buoys for up to 1,200 feet along the shoreline and the buoyed area may extend lake ward from the shoreline for up to 200 feet. These measurements do not include the buffer zone of 50 feet that will be added on all sides of the bathing areas. The location of the swim area may be moved anywhere within the two points (A and B) depicted on map D1 and may be contracted or expanded up to the maximum size at any time during the year or future years by the City

3. Long Term Anchoring Process.

- a. The City Commission will hold a public hearing and may adopt a resolution informing the DNRE of the need for a special local ordinance regulating unpermitted and unauthorized long term anchoring on March 15, 2010. This has been included as an agenda item immediately following consideration of the Settlement Agreement.
- b. The City will provide the DNRE evidence, including affidavits and other documentation, in support of its request for a special local ordinance by April 6, 2010. Although not a part of the settlement agreement, it is anticipated that the City Commission will hold a public hearing on proposed ordinance language at its April 5, 2010, meeting.
- c. The DNRE will issue its preliminary report as to whether a Local Ordinance is needed on or before May 3, 2010, along with a proposed local ordinance if the DNRE determines one is needed based upon its investigation and the evidence presented.

- d. The DNRE will conduct a public hearing on the City's request on May 20, 2010.
- e. If following the public hearing and the conclusion of the public comment period (June 9), the DNRE determines that no further investigation is necessary, the DNRE will issue its final report and proposed local ordinance, if any, on or before July 1, 2010.
- f. If following the public hearing and public comment period the DNRE believes further investigation is warranted, the DNRE shall issue its final report and a proposed local ordinance, if any, on or before July 29, 2010.

4. Long Term Anchoring Regulation. In the event that the DNRE submits a proposed local ordinance to the City, the City may enact the proposed local ordinance as a City ordinance and enforce the City's ordinance.

5. Court Action. A Consent Judgment will be entered resolving the City's Claim of Appeal and Complaint against the DNRE with respect to the swim area issue.

6. Authorization. The above terms are subject to approval by both the City Commission and the MDNRE.

March 12, 2010

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MAP C
REVISED REQUEST TO NRC
TRAVERSE CITY, MI
3/19/2009



West Grand Traverse Bay

Existing Swim Area

Maximum Possible Swim Area = 1200' + Buffer Zone. May be moved anywhere between Points A & B.

A

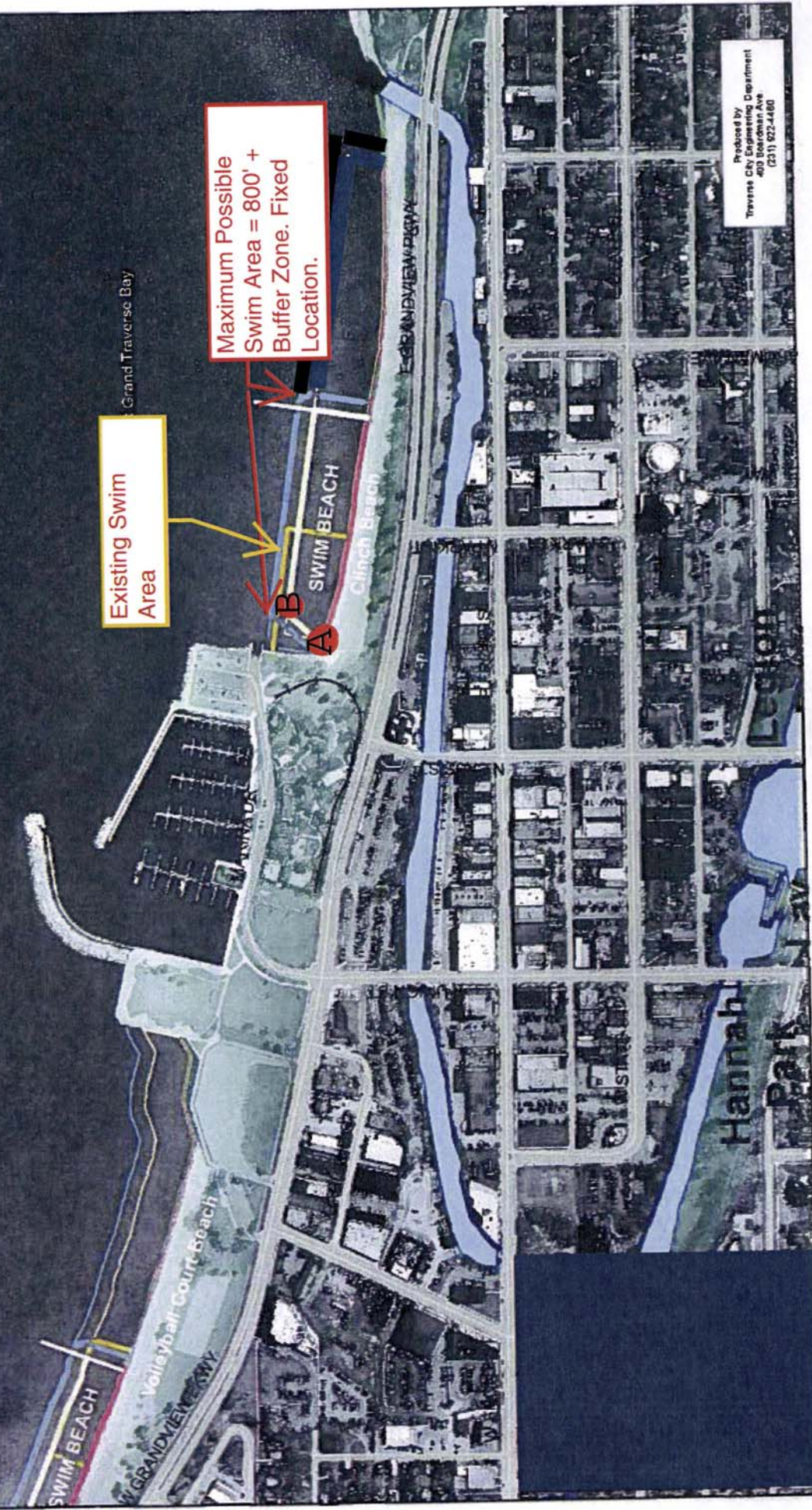
B

SWIM BEACH
Volleyball Court Beach
W. SANDVIEW HWY

Prepared By
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MAP C
REVISED REQUEST TO NRC
TRAVERSE CITY, MI
3/19/2009



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