

**Hayes Township, Charlevoix County, Planning Commission
Regular Meeting of the Planning Commission**

March 28, 2023 7:00 pm

**Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720**

<https://us02web.zoom.us/j/83601481092?pwd=bTRvd01yc2NtSHY5MXkrZDUxVDMrZz09>

Meeting ID: 836 0148 1092

Passcode: 068828

+1 312 626 6799 US (Chicago)

Call to Order

Pledge of Allegiance

Review of Agenda

Declarations of Conflict of Interest

Presentation by LIAA, Lake Charlevoix Association and Tip of the Mitt

Approval of January 17, 2023 Regular Meeting Minutes

Public Comment Unrelated to Agenda Items

Report of Township Board Representative to the Planning Commission

Report of Planning Commission Representative to the Zoning Board of Appeals

Zoning Administrator Report

New Business

Advisory Committee Update

Old Business

Set/Confirm Public Hearing Dates

Set/Confirm Date of Next Planning Commission: April 18, 2023 at 7:00 pm

Public Comment

Planning Commission Comment

Adjournment

2023 Lake Charlevoix Shoreline Protection Visioning



Lake Charlevoix Association (LCA) – Promotes understanding of shared use of Lake Charlevoix and advocates for sensible and sustainable lakefront development practices.



Tip of the Mitt Watershed Council (TOMWC) – Dedicated to protecting northern Michigan lakes, streams, wetlands, and groundwater.



Land Information Access Association (LIAA) – Non-profit serving other non-profits and governments to support planning and technology needs to increase civic engagement and foster sustainable and resilient communities.

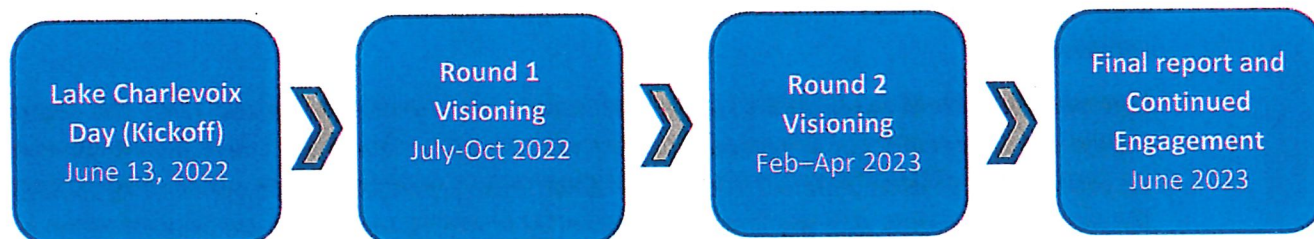
Project Background:

www.lakecharlevoixprotection.org

LCA has contracted with TOMWC and LIAA to accomplish two main objectives:

- 1) Revisit the 2016 efforts and discuss the status of lakeshore protection standards with each community.
- 2) Develop a shared vision of Lake Charlevoix with common goals and objectives shared by all of the communities around the lake as well as individual community visions.

Project Timeline:



Hayes Township's Vision for Shoreline Protection:

Greatest concerns

- Financial inability to litigate against lawsuits to uphold regulations.
- Enforcement – uniform and ubiquitous upholding of Township zoning ordinances. This concern was provided during public comment in Round 1 discussion. Does the Township planning commission also hold this as a concern?

Ideas

- Bio-engineered project test sites to replace seawalls to show their ability to withstand Lake Charlevoix's wave energy (ie Camp Seagull)
- Education – dissemination of information to educate Township officials and property owners.

Needs/Wants

- Checklist for anyone looking to alter shoreline that outlines local and state regulations as well as best practices
- Progress – how do we measure progress over time? For example, do we know greenbelts work? How do we measure this to show future permit applicants.
- Data – felt the last shoreline survey was immensely helpful; more information like this would be helpful for decision makers.
- Ordinances that activate shoreline restoration requirements (such as a non-conforming use ordinance)

**HAYES TOWNSHIP
ZONING ADMINISTRATOR REPORT
MARCH 2023**

Received and reviewed application for an accessory structure at 06450 Boyne City Road. Site plan submitted indicated proposed structure to be located across property line.

Received and reviewing application for lot line adjustment to accommodate zoning permit application.

Received, reviewed and approved corrections on application for variance for property located at 07644 Indian Trails. Prepared public notice. Zoning Board of Appeals meeting that was scheduled for March 1, 2023 was canceled and waiting for new public notice date.

Reviewing application for reconstruction of a gazebo at 07000 Boyne City Road. Site plan was submitted however proposed site does not meet zoning ordinance requirements for setback. Applicant has been notified.

Working with property owners of 11929 Boyne City Road inquiring about parcel divisions, density and other zoning requirements.

Met with interested potential buyers of a large parcel on Lake Michigan seeking density and other zoning requirements.

Still working with two potential buyers of vacant property on Red Pine Road about zoning requirements.

Working with owner of vacant property on Boyne City Road about zoning requirements for accessory structure.

Working with owners of vacant property on US 31 N in Neighborhood Commercial Zoning District about zoning requirements.

Received and reviewing application for zoning permit for new single family residence at 07615 Oyster Bay Drive.

Received and reviewing application for zoning permit for an accessory structure at 09025 Upper Bay Shore. Waiting for additional information.

Received and reviewing application for parcel reconfiguration at 08085 Mulberry Lane. Waiting for additional information.

Issued zoning permit for a 6' x 6' attached deck at 06140 US 31 N..

Hayes Township Planning Commission
January 17th, 2023
Regular Meeting
Zoom ID 822 8657 6345

1 **CALL TO ORDER:** Vice-Chairperson Derek Burnett called the meeting to order at 7:00 p.m.

2 Members present: Derek Burnett, Ed Bajos, Rex Greenslade, Marilyn Morehead, and Matt
3 Cunningham.

4 Excused: Roy Griffiths and Steve Bulman.

5 Also, present: Kristin Baranski (Clerk), Ron VanZee and April Hilton (Deputy Clerk/Recording
6 Secretary).

7 Audience: Doug Kuebler, LuAnne Kozma, Kim Fary, Kyle Ulrich, Janet Simon, Carl Harmon, CT
8 Martin, Danielle Hutcheson, Ellis Boal, Jim McMahon, Tim Boyko, Fred Parsons, Sheryl
9 Bergman, Spencer McCormick, Melvin Czechowski and John Neych.

10
11 **PLEDGE OF ALLEGIANCE TO THE FLAG:** Mr. Burnett led the Pledge of Allegiance.

12
13
14 **REVIEW AGENDA:** Mr. Bajos made a motion, supported by Mr. Cunningham to approve the
15 agenda as presented.

16 Yeas: Derek Burnett, Ed Bajos, Rex Greenslade, Matt Cunningham, and Marilyn Morehead

17 Nays: none **Motion Carries**

18
19
20
21 **DECLARATIONS OF CONFLICTS OF INTERESTS:** None

22
23
24 **APPROVAL OF MINUTES DECEMBER 13TH, 2022 REGULAR MEETING**

25 Mr. Bajos made a motion, supported by Ms. Morehead, to approve the December 13th, 2022,
26 regular meeting minutes as corrected.

27 Yeas: Derek Burnett, Ed Bajos, Rex Greenslade, Matt Cunningham, and Marilyn Morehead.

28 Nays: none **Motion Carries**

29
30 **PRESENTATION BY KYLE ULRICH, NORTHWESTMIHABITAT.ORG:**

31 Kyle Ulrich presented to the Planning Commission a presentation regarding the need of
32 Affordable Housing in Hayes Township and Charlevoix area. Also explained what Northwest MI
33 Habitat is doing to help the community with Affordable Housing and their mission from their
34 future projects.

35
36

Hayes Township Planning Commission
January 17th, 2023
Regular Meeting
Zoom ID 822 8657 6345

SET/CONFIRM DATE OF NEXT PLANNING COMMISSION MEETING:

Next Planning Commission meeting will take place on February 21st, 2023, at 7:00 pm.

PUBLIC COMMENT: Public comments open 8:09 pm.

Comments included:

- Resident does not like the Planning Commission Annual Report.
- Resident would like to see more residential zoning instead of industrial, see attached correspondence.

Public comments closed 8:17pm

PLANNING COMMISSION COMMENT:

NONE

ADJOURNMENT: Mr. Bajos made a motion, supported by Ms. Morehead, to adjourn the meeting at 8:18 pm.

Yeas: Derek Burnett, Ed Bajos, Rex Greenslade, Marilyn Morehead, and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:

April Hilton

Deputy Clerk/Recording Secretary

Bill Henne

March 28, 2023
H.T.P.C. Meeting

Protect Lake Charlevoix Shoreland Comments

1. The current Zoning Ordinance has been improved upon by Planning Commissions, beginning in the 1980's, always with the goals of good planning in mind, including the protection of the environment.
2. It is one of the best ordinances in Northern Michigan. It has for decades been a model for other communities to follow for its setbacks and waterfront regulations.
3. The current Planning Commission has a radically different vision of what our Zoning Ordinance should be about. They are proposing changes that would, essentially, gut the intent of our strong ordinance.
4. Proposed changes would:

-Take the teeth out of our ordinance

-Compromise the regulations

-Greatly affect the rural character, scenic values and environmental quality

-Combine the Ag and Rural Residential zones allowing smaller lot sizes increasing density

- Harm Lake Charlevoix's water quality and scenic beauty by reducing waterfront residential lot size from 2 acres to $\frac{1}{4}$ acres, increasing septic systems and development on the shore.
- Allow the Saw bathhouse/dining event facility and basin channel project to go through

5. An individual from a landscaping company was on the waterfront subcommittee with two planning commissioners rewriting this ordinance. Conflict of Interest.
6. We are prepared to put any new zoning ordinance that takes us back many years to when we had no protection through zoning for our lakes and streams and ~~that~~ destroys our excellent ordinance, to a referendum.

Final

Protect Lake Charlevoix will be featured speakers at the upcoming Michigan Lakes and Streams Association Annual Conference on how our local ordinance is strong and how Hayes Township



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Property rights and zoning

2 messages

Ellis Boal <ellisboal@voyager.net>

Mon, Mar 13, 2023 at 3:00 PM

To: John Iacoangeli <jri@bria2.com>, kristin baranski <clerk@hayestownshipmi.gov>, Ron VanZee

<supervisor@hayestownshipmi.gov>, Roy Griffiths <rwgriffitts3@gmail.com>, Jennifer McKay

<jenniferm@watershedcouncil.org>

Cc: LuAnne Kozma <luannekozma@gmail.com>

Please forward the following comment to each member of the Planning Commission and Advisory Group. Thanks.

Ellis

Hayes Township Planning Commission, Advisory Focus Group, Tip of the Mitt,

I write to expand on just one aspect -- paragraph 5 page 2 -- of LuAnne Kozma's recommendations of March 12, which I fully endorse.

Referring to the current (2020) Master Plan, downloadable at <https://www.hayestownshipmi.gov/hayes-township-master-plan/>, she quotes a passage from page 21 concerning "water quality," one of several zoning modifications proposed by the Plan. The passage refers to "property rights," the only mention of this in the entire 71-page Plan.

In full the "Water Quality" passage says:

The quality of water resources, both surface and ground, is a foundation to the community's identity. However, protecting water quality while maintaining private property rights is a delicate balance. The Township will review its existing waterfront regulations and gather input from the community and Tip of the Mitt Watershed Council to identify improvements to the zoning ordinance that effectively achieve this balance while respecting individual land owners.

(Underlining here and in the quotes below, I have added.)

But "private property rights" is an elastic term, the meaning and importance of which is different for different people.

I highlight one example, the view of Roy Griffiths, Chair of the Township Planning Commission. I expect his view -- stated in front of a mic he knew to be live and which he has never retracted -- is at odds with almost everyone including myself.

Yet as the township's PC Chair his views will be influential, possibly even dispositive.

He was discussing property rights on January 26 of last year, referring to the Laws' proposed boathouse, in conversation with ZBA member Bruce Deckinga. He said the following, as I documented two weeks later in public comment to the Trustees:

Deckinga: "Where in this is there an event? --"

Griffitts: "So --"

Deckinga: "This is a deck"

Griffitts: "So this is the sec— This is the second floor. So this area here, unfortunately, they used the term 'event area.' They could have called this a 'lounge.' They could've— It's a private building. You can call it anything you want. I could call my basket? [unintelligible]" —

Deckinga: "Second floor, above the boats."

Griffitts: "Above the boats. You know, and their claim is, one of the problems with this is, is they're [the then-protesting Hayes residents are] speculating, all of their arguments are speculating. 'Well, they built

March 12, 2023

TO: **Advisory Focus Group**—Kim Fary, C.T. Martin, Jim Rudolph, Jenny Silva, Mark Snyder, Derek Burnett, Marilyn Morehead

Hayes Township Planning Commission—Ed Bajos, Steve Bulman, Derek Burnett, Matt Cunningham, Rex Greenslade, Roy Griffiths, Marilyn Morehead

CC: Jennifer McKay, Tip of the Mitt Watershed Council; John Iacoangelia, Beckett & Raeder

FROM: LuAnne Kozma, 9330 Woods Road, Charlevoix, Hayes Township resident

RE: Focus Area 3, the Lake Charlevoix waterfront and Boyne City Road corridor

1. In the current Master Plan on page 19, is the required Zoning Plan in Table 1: Zoning Districts and Associated Future Land Use. However, the proposed chart “Table XX - Future [sic] Land Use Categories” that Mr. Iacoangeli of Beckett & Raeder prepared for the March 15 agenda is a departure from this and does not include the Zoning Districts as required by the Michigan Planning Enabling Act. MCL 125.388(2)(d) states “...The zoning plan shall include an explanation of how the land use categories on the future land use map relate to the districts on the zoning map.” I recommend adding Mining Impaired to the current Zoning Plan on page 19 and dispensing with Table XX. Table XX obscures exactly which Future Land Use designations would relate to which districts on the zoning map.

2. In the Zoning Plan on page 19 of the Master Plan, **keep all waterfront properties on Lake Charlevoix in the R-1 Low-Density Residential Zone with 2 acre minimum lot size in the Zoning Plan and on the Future Land Use Map.** The new Table XX suggested by Mr. Iacoangeli for the March 15 meeting indicates that a new “Residential Waterfront” land use category would translate to lot sizes varying from 1/2 acre to 2 acres. Anything less than a 2 acre lot size is unacceptable for Lake Charlevoix.

3. **Keep R-1 and R-2 zones as separate zones.** Lake Charlevoix’s waterfront properties have different setbacks (100 feet) than Susan Lake and a larger lot size requirement (2 acres) than the other lakes. Increasing density on Lake Charlevoix and allowing smaller lot sizes there will increase density resulting more buildings, septic systems, driveways, roads, tree-clearing, and more intense use, leading to degradation of water quality and scenic beauty.

4. On page 19 of the Master Plan, **fix the Front setback in the R-1 zone to 100 feet**, as it has been in the Zoning Ordinance for decades (since 1989).

8. **No resorts or resort use on Lake Charlevoix.** The shoreline has always been quiet, low density residential only. The R-1 zoning along Lake Charlevoix must be strictly maintained for the health and general welfare of the public.

For the protection of Lake Charlevoix and its tributaries, and for the health and general welfare of the public at large and the public water body, the Master Plan should be in step with the land use plans, watershed plan, recommendations, and studies below:

9. *The Charlevoix County Future Land Use Plan*, adopted by Charlevoix County, Adopted 1-10-2018, states:

- With a surface area of 17,200 acres and 56 miles of shoreline, Lake Charlevoix is the third largest and one of the highest quality inland lakes in Michigan. This lake is critical for waterfowl and fisheries. Its largest tributary is the Jordan River. (page 10 of document)
- Industrial pollutants were the greatest threat to the area's lakes and rivers 100 years ago. **Now, nutrients and sediment caused by shoreline development**, recreational pressures, streambank erosion, road-stream crossings, stormwater discharge from urban areas, agricultural activities **and other human activities are the main water quality concerns.** (page 10 of document, emphasis added).
- The township zoning ordinances have become increasingly unique over time. For example, they differ in their requirements for greenbelts along the shoreline, the distance they must extend back from the shoreline, the amount of trimming or clearing allowed, and at what point the measurements begin. (page 7 of the document)
- Shoreline areas and wetlands are recognized as special categories due to the environmental sensitivity of these areas. (page 35 of the document).
- Lakefront and Lake View Residential - These lands front on or are near water bodies (primarily lakes), or they feature a view of the lake(s). Due to the nature of these lands, their proximity to water, and lack of a full complement of urban services, the recommended residential density is no greater than two dwelling units per acre. (page 36 of the document).

The plan can be found at: <https://charlevoixcountymi.documents-on-demand.com/Document/fce0354e-fc90-e811-80c0-001fbc00ed85/Charlevoix%20Co%20Future%20Land%20Use%20Plan%20FINAL%20ADOPTED.pdf>

An updated version of this document, available at both of the following links includes the Waterfront Regulations section of **the Hayes Township ordinance as a model ordinance for other townships to follow regarding Natural Features Setbacks**:

State of Michigan

<https://www.michigan.gov/egle/about/organization/water-resources/inland-lakes-and-streams/local-protection-of-inland-lakes>

Michigan Lakes and Streams Association

<https://mymlsa.org/government-and-legal-issues/protecting-michigans-inland-lakes-a-toolkit-for-local-governments/>

13. In 2016, various local agencies and governmental officials responsible for Lake Charlevoix gathered together to complete a 3-year study and report ***Enacting Shoreline Zoning Protections Around Lake Charlevoix***, funded by the Michigan Department of Environmental Quality. They evaluated the history of prior shoreline protection efforts around Lake Charlevoix, including an analysis of the existing local ordinances around the lake, and reviewed current zoning standards. The project team worked with local planning and zoning officials to develop and implement new zoning standards for waterfront properties around the lake. “This project primarily focused on zoning actions that can be taken to protect the *shoreland protection zone*.” Among the policy recommendations are:

Recommendation #2: Shoreline Setbacks – Townships

Zoning ordinances will require shoreline setbacks of at least 50' from the High Water Elevation for all principal and accessory structures except for docks, shoreline protection structures, allowed viewing platforms, and stairs to the lake.

Recommendation #3: Greenbelt/Vegetated Buffer Strips – Townships

Zoning ordinances will require a greenbelt, or vegetated buffer strip, for new development or redevelopment on lots along the shore of Lake Charlevoix. The greenbelt policy should:

- Set a minimum greenbelt depth of 50 feet, measured from the High Water Elevation
- Require native vegetation in the greenbelt
- Require trees and woody plants and shrubs be planted in the greenbelt
- Prohibit lawns within the greenbelt
- Prohibit beach sanding within the greenbelt and between the greenbelt and water's edge.

Preserving natural shorelines and streambanks is essential to protecting water quality.” (page 124 of the document)

The report can be found at: https://www.watershedcouncil.org/uploads/7/2/5/1/7251350/lake-charlevoix_wmp_17.pdf

15. This administration's Master Plan was approved in winter 2020 on a Friday night, with no public comments. No attempt was made to ask the public for comments during the 63 day period prior to the public hearing. The fall newsletter made zero mention of it. The Township did not mention it in any mailings to residents with the winter tax mailing. This resulted in poor public participation. The problems with the Master Plan are the result. The current process being undertaken by the Planning Commission to open up the Master Plan with an advisory group process has sidestepped direct communication from residents to the Planning Commission. There are no minutes of Advisory Focus Group meetings, only "notes" and they are not accurate. No individual public commenters are identified for their comments nor are their comments accurately recorded. Many letters by residents submitted to the Advisory Focus Group, including my own and a letter by nuclear experts about Big Rock's high-level radioactive waste, for example, do not appear on the www.HayesMasterPlan.org site, and that website is not maintained by the Township. In other words, Public Comments are being deep-sixed and kept from the Township officials and from the Public.

END



2232 RESORT PIKE ROAD, PETOSKEY, MI 49770-0848
tel 231-347-7915 e-mail zoningplanning@resorttownship.org

February 13, 2023

**RE: Notice of Intent to Plan
Resort Township Master Plan**

To whom it may concern,

This notification is to inform you that Resort Township is beginning the process of reviewing and preparing a new Township Master Plan pursuant to the requirements of section 125.3839 of the Michigan Planning Enabling Act (Public Act 33 of 2008). As required and once a draft plan is approved for distribution, a copy of the draft Plan will be made available to you for your review. We welcome your input and comments.

Resort Township intends to provide further information on the Master Plan through electronic mail, as permitted through the state statute referenced above.

If you would like to receive any future notices regarding the new Resort Township Master Plan through first class mail delivery, please email your request to Randolph Frykberg, Township Planner, at zoningplanning@resorttownship.org.

Please contact the Township offices at 231-347-7915 if you have any questions.

We thank you for your consideration.

February 7, 2023

To: The Hayes Township Master Plan Advisory Focus Group and Hayes Township Planning Commission, and Board of Trustees

From: LuAnne Kozma, Hayes Township resident, 9330 Woods Road, Charlevoix

Re: Big Rock Point parcels need re-classification

I am extremely concerned about the profound and deadly risks to public health due to the High-Level Radioactive Waste stored in our community at the Big Rock Point properties.

As a “reactor community,” Hayes Township has a duty to protect residents from the hazards of the nuclear wastes produced by the Big Rock Point nuclear reactor, through appropriate planning and zoning. We are unlike any other community in the region and our responsibility is not only to ourselves but also to surrounding communities.

I have three recommendations:

1. Amend the “Future Land Use” map to designate the Consumers Energy and Holtec Palisades parcels in a new category of “High-Level Radioactive Waste” as that is the likely scenario for the next 20 years or more. They constitute a *de facto* long-term storage site of High-Level Radioactive Waste with surrounding vegetated buffer.
2. Create a corresponding new zoning category in the Zoning Plan in Table 1 on page 19 for “High-Level Radioactive Waste Area.” It should not be “industrial” or allow new nuclear (or other) industrial use there. It should restrict people from the site indefinitely. Currently the parcels are mapped for future land use as “Conservation Reserve.” The corresponding *zoning* for CR includes playgrounds, recreation camps, boat ramps, community centers and other types of creation. This cannot be allowed on this land. CR is not an appropriate future land use or zoning category for these properties. If CR is still kept, a separate zoning category of “CR-restricted to only wildlife, no human activity” should be created and this land designated as such.
3. Change some of the Master Plan language to better reflect the reality of the High-Level Radioactive Waste long-term storage facility. **“Spent fuel” is a euphemism for high-level radioactive waste.** The Master Plan would better inform the public if the following sentences were re-stated.

On page 10 it states: “During the 1960’s, Consumers Power Big Rock Nuclear Power Plant and LexaLite Manufacturing were built on the shore of Lake Michigan, providing

Dry Fuel Storage Location



* **Not suitable for parkland or recreational use.** This mean no hiking. No camping. No birdwatching. No biking. No picnics. No playgrounds. No fishing. It's what a reactor community has to live with after allowing this dirty nuclear industry to operate here for decades. It is a sacrifice zone. Creating parkland out of the worst of contaminated land is a form of greenwashing. In 2006, there was an effort by well-meaning folks to create a state park from this land. It was so problematic and unsafe, the state's major environmental groups rallied against it dubbing it "Plutonium State Park." The plan to create the park was defeated. (See: https://www.environmentalcouncil.org/coalition_slams_brakes_on_controversial_big_rock_nuclear_park_proposal)

***The hazards and problems with the radioactive contaminations caused by the nuclear operations at Big Rock Point and of the so-called environmental clean up are many.** See: Say Yes to Michigan, Say No to the "Plutonium State Park"!
Backgrounder on Big Rock Nuclear Power Plant.

* **The waste has nowhere to go and will remain here indefinitely.** See attached letter by Kevin Kamps and Michael Keegan/Beyond Nuclear and Don't Waste Michigan; and See: "No immediate plans to remove nuclear waste from Big Rock Point," Petoskey News, Annie Doyle March 4, 2022.

Also attached: Nuclear Plant Decommissioning: A New Crisis and New Opportunities," Beyond Nuclear Fact Sheet. December 2020.

END

New actors in the market, positioning themselves as decommissioning “specialists” despite having little experience, operate on this business model, forming limited liability corporations to hold the licenses so they can insulate themselves from risk, and so parent companies won’t be responsible for bad outcomes and don’t have to put in any of their own money.

Some, such as Holtec International, have track records of failure and extensive malfeasance, as well as sidelines that encourage self-dealing and further incentivize them to make selfish, profit-driven decisions as opposed to protecting public health and safety. For example, Holtec is trying to license its own “consolidated interim storage facility” (CISF) in New Mexico where it proposes to ship high-level nuclear waste across the U.S., transferring title and liability to the Department of Energy, and profiting from federal funding for waste storage. It also has designed and is seeking licenses to build “small modular reactors” which might one day be fueled by reprocessing the nuclear waste it wants to acquire and consolidate. Given the lack of a permanent geologic repository for nuclear waste, such DOE-enabled CISFs aren’t legal under current law. But Congress is considering pending bills and allocating funds which would authorize and enable them.

WHAT STATES CAN DO TO PROTECT THEMSELVES

Suffice to say that trusting such leveraged, undercapitalized, compartmentalized companies with bad records to take responsibility for decommissioning and nuclear waste in a lax federal regulatory environment is fraught with risks and dangers. They could walk away with the job half done, leaving reactor communities and states with the costs and impacts of contaminated sites and de facto nuclear waste dumps. And their incentive to cut costs and corners could result in severe radiological accidents such as radioactive dust plumes, fuel pool fires, dry cask storage transfer accidents and leaks, or mishaps from transporting waste by barge, road or rail.

But states are far from powerless to protect themselves, and need not be at the mercy of the decommissioning companies and lax federal oversight. While the NRC has sole jurisdiction over radiological and safety issues, states have jurisdiction over how decommissioning impacts surface water, future land use, energy policy, local economies, recreation, and tourism. States also have some authority over hazardous material and toxic chemical contamination which applies to nuclear sites. Governors, comptrollers, attorneys general, public utility commissions, and other relevant state agencies can and should use their jurisdiction to assert authority over key decommissioning decisions, demand meaningful state and local input into the process, and maintain fiduciary oversight of the DTFs. States can also work with their Congressional delegations to improve oversight of the NRC, and pass laws to protect states and reactor communities.

For more details on states’ fiduciary risks from decommissioning and how they can manage them, see Beyond Nuclear’s “Backgrounder on Decommissioning Trust Funds.”

transportation, indicating the potential is there for possible transportation if so desired.

"The report concludes that with some updates to guidance, our regulatory framework is in good shape to oversee such a campaign," said David McIntyre with the U.S. Nuclear Regulatory Commission Office of Public Affairs.

"When the review was initiated, our agency was reviewing two applications from industry to license 'Consolidated Interim Storage Facilities' for spent nuclear fuel in Texas and in New Mexico," McIntyre said. "The Texas license was issued in September 2021 to Interim Storage Partners, a joint venture of Waste Control Specialists and Orano USA, a company that designs and sells dry storage systems for spent fuel. The New Mexico application remains under review. That applicant is Holtec International, a rival to Orano in producing dry storage systems. Each company plans to transport spent fuel from various commercial nuclear power plants and store it at their facilities as permanent disposal repository becomes available. Priority would be given to fuel from previously decommissioned plant sites, such as Big Rock Point."

According to McIntyre, in recent years Holtec has purchased several nuclear power plants that have permanently ceased operations, with the intention of decommissioning them fairly rapidly instead of waiting decades for the radioactivity to decay.

"They have entered into an agreement with Entergy to purchase the Palisades plant in Covert, Michigan, after it permanently shuts down in May. We approved the license transfer last December. This purchase includes the spent fuel storage facility at Big Rock Point," he said.

McIntyre added that "The short answer is that nothing is going to happen anytime soon."

"The governors of Texas and New Mexico are challenging both proposed facilities, and it will be several years before either company would initiate a transportation campaign," he said.

Subscribe: Get unlimited access to our local coverage

requested – and obtained – permission from the NRC for “on-site disposal” – that is, not cleaning up the spill, but rather simply leaving it in the soil and groundwater. The company and NRC admit that this and other tritium spills violated the Safe Drinking Water Act from 1984 to 2000, in terms of the concentration of tritium in the site’s groundwater, calling into question the safety of portions of the BRP site’s groundwater, for human consumption, for many decades yet to come.

The hazardous radioactivity released by BRP into the air and surface water, onto the soil, and into the groundwater, did not disappear into nothingness. Although much may have migrated off-site — to harm people and other living things downstream and downwind, as well as down the generations, and to bio-accumulate up the food chain — some radioactive contaminants undoubtedly still remain on-site, and in sediments along the adjacent Lake Michigan shoreline -- likely including incorporated in area flora and fauna -- and will continue to do so indefinitely into the future.

As documented by Dale Condra (Table 4, “Concentrations of Plutonium Radionuclides in Water Samples, Big Rock,” in “Analytical Results for Water Samples Collected December 2, 2003 at Big Rock Point Nuclear Power Plant, Charlevoix, Michigan,” Inspection Report Number 050-00155/2003-07) [RFTA 04-001], Oak Ridge Institute for Science and Education (ORISE), Jan. 27, 2004), ultra-hazardous artificial plutonium has been confirmed in groundwater samples at BRP. Given that cleanup during decommissioning extended down less than six inches below the ground surface, plutonium contamination of groundwater and adjacent soils undoubtedly lingers. This is true despite groundwater flow, over time, into Lake Michigan, given plutonium’s relative insolubility.

NRC’s “Safety Evaluation” and “Environmental Assessment/Finding of No Significant Impact,” dated March 2005, as well as Consumers Energy’s LTP, admit the following alarming litany of “residual” artificial radioactive hazards in soil and groundwater at BRP, even post-decommissioning: Hydrogen-3 (tritium); Carbon-14; Manganese-54; Iron-55; Nickel-59; Cobalt-60; Nickel-63; Zinc-65; Strontium-90; Technetium-99; Silver-110m; Iodine-129; Cesium-134; Cesium-137; Europium-152; Europium-154; Europium-155; Plutonium-238; Plutonium-239; Plutonium-240; Plutonium-241; Americium-241; Curium-243; and Curium-244.

Cobalt-60 remains hazardous for 53 years after generation in an atomic reactor. Tritium for 123 years. Strontium-90 for 290 years. Cesium-137 for 300 years. Americium-241 for 4,300 years. Carbon-14 for 57,000 years. Plutonium-239 for 240,000 years. Technetium-99 for 2 million years. Iodine-129 for 160 million years. To name but a few. Clearly, the radioactive hazards at BRP will persist forevermore, at least in regards to any human understanding of time-scales.

In addition to the radioactive contamination described above, there is also the highly radioactive waste stored on-site. About a decade ago, the U.S. Department of Energy predicted that a permanent geologic repository could not be opened until 2048 at the earliest. Given that no progress has been made since, even this date is very likely overly optimistic.



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Letter to Hayes Township Advisory Focus Group and Planning Commission, re: The need for zoning at the former Big Rock Point nuclear power plant to absolutely minimize human exposure to the lingering hazardous radioactive contamination of the site, as well as to the highly radioactive wastes that will likely remain stored there for decades or longer (Pasted into email below, and attached in PDF format)

1 message

Mon, Feb 6, 2023 at 4:31 PM

Kevin Kamps <kevin@beyondnuclear.org>
To: Clerk@hayestownshipmi.gov
Cc: Keegan/Michael <mkeeganj@comcast.net>

To: Hayes Township Advisory Focus Group and Planning Commission

Submitted via: Clerk@hayestownshipmi.gov

Re: The need for zoning at the former Big Rock Point nuclear power plant to absolutely minimize human exposure to the lingering hazardous radioactive contamination of the site, as well as to the highly radioactive wastes that will likely remain stored there for decades or longer

Date: February 6, 2023

Dear Hayes Township Advisory Focus Group and Planning Commission,

We urge that the former Big Rock Point nuclear power plant (BRP) be zoned so as to absolutely minimize human exposure to the lingering hazardous radioactive contamination of the site, as well as to the highly radioactive irradiated nuclear fuel and Greater-Than-Class-C so-called "low-level" radioactive wastes (GTCC) that will likely remain stored there for many decades, or longer.

As documented in the November 30, 2006 report entitled *Say Yes to Michigan, Say No to the 'Plutonium State Park': Backgrounder on Big Rock [Point] Nuclear Power Plant*, by Kevin Kamps, Nuclear Waste Specialist at Nuclear Information and Resource Service, significant amounts of hazardous radioactive contamination remained at the site, even after and despite the several hundred million dollars spent on decontamination efforts, and despite the U.S. Nuclear Regulatory Commission's (NRC) approval for "unrestricted use" of the site. The report (posted online at <http://archives.nirs.us/reactorwatch/decommissioning/bigrockbackgrounder272007.pdf>) was based on BRP owner Consumers Energy (formerly Consumers Power), decommissioning contractor British Nuclear Fuels, Ltd. (BNFL), NRC, and other corporate and government documents, such as the July 1, 2004 License Termination Plan, Rev. 1 (LTP), and "Radioactive Materials Released from Nuclear Power Plants," NUREG/CR-2907, by Brookhaven National Laboratory, Upton, NY, prepared for Office of Information Resources Management, NRC (FIN B2234).

A non-conservative figure (due to many significant years of data not being accounted for) for hazardous radioactive emissions from BRP into the environment, reported by Consumers Energy to the NRC (and its predecessor, the U.S. Atomic Energy Commission), was more than 3.3 million curies. This is a very shocking figure for such a relatively small-sized atomic reactor, of just 67 Megawatts-electric. But it is explained by the fact that BRP was experimental, and experienced a number of fuel failure events in its operating reactor core.

It is also explained by the company's shocking "Radiological Event History" in its License Termination Plan, listing 63 radiation spills, leaks, overflows, and floods, as well as sloppy handling of radioactive wastes and radioactively contaminated materials across the site. (LTP, Page 2B-1). In just one of these incidents, on May 31, 1984, BRP leaked 20,000 gallons of hazardous tritium (radioactive hydrogen) into the soil and groundwater. Consumers Energy requested – and obtained – permission from the NRC for "on-site disposal" – that is, not cleaning up the spill, but rather simply leaving it in the soil and groundwater. The company and NRC admit that this and other tritium spills violated the Safe Drinking Water Act from 1984 to 2000, in terms of the concentration of tritium in the site's groundwater, calling into question the safety of portions of the BRP site's groundwater, for human consumption, for many decades yet to come.

The hazardous radioactivity released by BRP into the air and surface water, onto the soil, and into the groundwater, did not disappear into nothingness. Although much may have migrated off-site — to harm people and other living things downstream and downwind, as well as down the generations, and to bio-accumulate up the food chain — some

new nuclear power plants; to educate the public about the dangers of nuclear power and nuclear waste, its deadly byproduct; and to block the practice of landfilling nuclear waste.



2 6 2023 BRP letter FINAL.pdf

55K

requested – and obtained – permission from the NRC for “on-site disposal” – that is, not cleaning up the spill, but rather simply leaving it in the soil and groundwater. The company and NRC admit that this and other tritium spills violated the Safe Drinking Water Act from 1984 to 2000, in terms of the concentration of tritium in the site’s groundwater, calling into question the safety of portions of the BRP site’s groundwater, for human consumption, for many decades yet to come.

The hazardous radioactivity released by BRP into the air and surface water, onto the soil, and into the groundwater, did not disappear into nothingness. Although much may have migrated off-site — to harm people and other living things downstream and downwind, as well as down the generations, and to bio-accumulate up the food chain — some radioactive contaminants undoubtedly still remain on-site, and in sediments along the adjacent Lake Michigan shoreline -- likely including incorporated in area flora and fauna -- and will continue to do so indefinitely into the future.

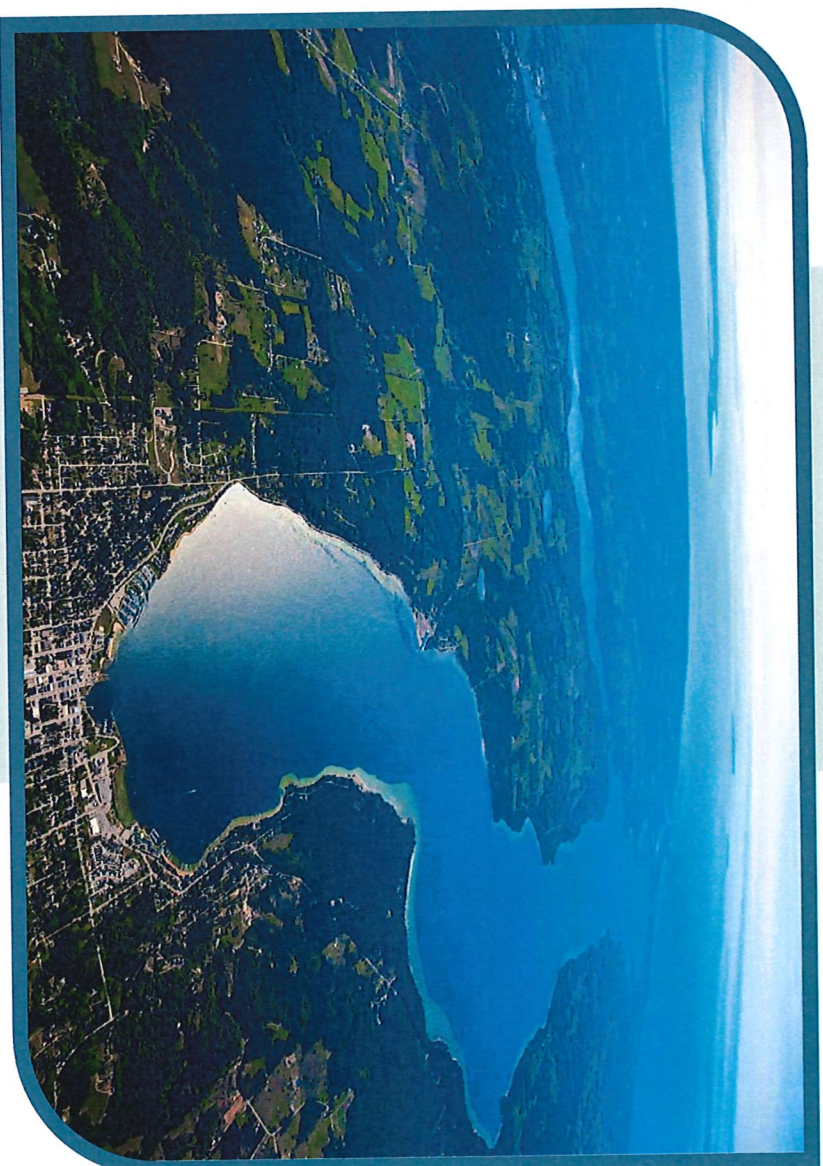
As documented by Dale Condra (Table 4, “Concentrations of Plutonium Radionuclides in Water Samples, Big Rock,” in “Analytical Results for Water Samples Collected December 2, 2003 at Big Rock Point Nuclear Power Plant, Charlevoix, Michigan,” Inspection Report Number 050-00155/2003-07) [RFTA 04-001], Oak Ridge Institute for Science and Education (ORISE), Jan. 27, 2004), ultra-hazardous artificial plutonium has been confirmed in groundwater samples at BRP. Given that cleanup during decommissioning extended down less than six inches below the ground surface, plutonium contamination of groundwater and adjacent soils undoubtedly lingers. This is true despite groundwater flow, over time, into Lake Michigan, given plutonium’s relative insolubility.

NRC’s “Safety Evaluation” and “Environmental Assessment/Finding of No Significant Impact,” dated March 2005, as well as Consumers Energy’s LTP, admit the following alarming litany of “residual” artificial radioactive hazards in soil and groundwater at BRP, even post-decommissioning: Hydrogen-3 (tritium); Carbon-14; Manganese-54; Iron-55; Nickel-59; Cobalt-60; Nickel-63; Zinc-65; Strontium-90; Technetium-99; Silver-110m; Iodine-129; Cesium-134; Cesium-137; Europium-152; Europium-154; Europium-155; Plutonium-238; Plutonium-239; Plutonium-240; Plutonium-241; Americium-241; Curium-243; and Curium-244.

Cobalt-60 remains hazardous for 53 years after generation in an atomic reactor. Tritium for 123 years. Strontium-90 for 290 years. Cesium-137 for 300 years. Americium-241 for 4,300 years. Carbon-14 for 57,000 years. Plutonium-239 for 240,000 years. Technetium-99 for 2 million years. Iodine-129 for 160 million years. To name but a few. Clearly, the radioactive hazards at BRP will persist forevermore, at least in regards to any human understanding of time-scales.

In addition to the radioactive contamination described above, there is also the highly radioactive waste stored on-site. About a decade ago, the U.S. Department of Energy predicted that a permanent geologic repository could not be opened until 2048 at the earliest. Given that no progress has been made since, even this date is very likely overly optimistic.

LAKE CHARLEVOIX SHORELINE PROTECTION *PREPARED FOR* HAYES TOWNSHIP



SHORELINE DEVELOPMENT



1956 > 1978 > 2010: <80% hardened shoreline lake-wide (TOMWC 2018 survey)

Increased
pressure along
the shoreline

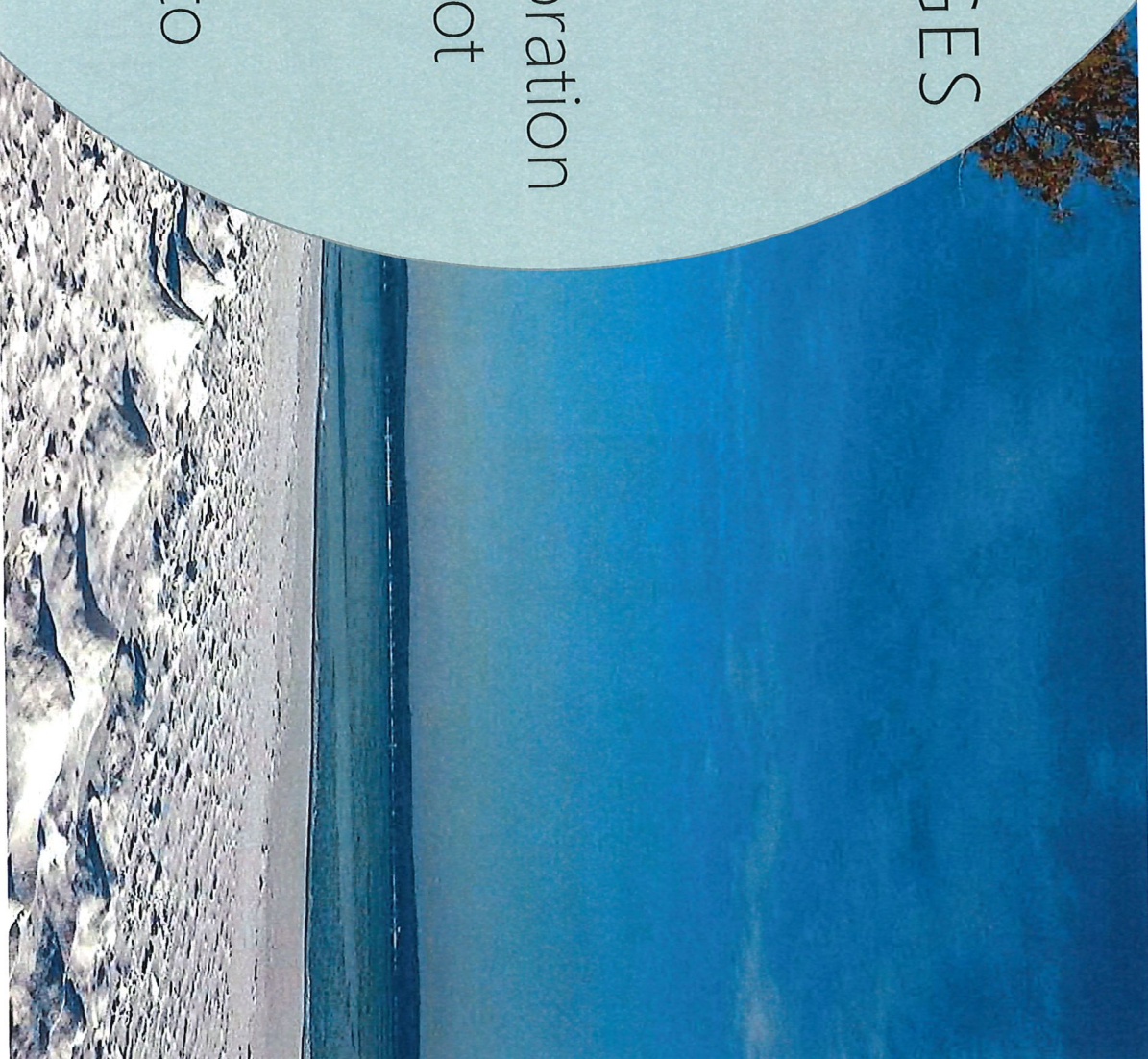
A photograph of a man and a young boy swimming in a body of water. The man is in the foreground, smiling, with his head above water. The boy is behind him, also smiling, with his head above water. The water is blue and rippled. The background shows a shoreline with trees and a building.

LAKE CHARLEVOIX VISION

- Long-term protection of Lake Charlevoix for future generations to swim, boat, fish, and enjoy healthy waters
- Improve ordinances
- Regulations are not enough
- Education
- Coordination

HAYES TOWNSHIP CONCERNS/CHALLENGES

- Enforcement
- Educations
- OHWM
- Communication/Collaboration
- One Size Fits All Does Not Work
- Negotiations Successful
- Science Doesn't Matter to Money



ADDITIONAL OPTIONS TO CONSIDER

- Overlay Districts
- County Zoning
- Third-Party Review and Enforcement
- Ordinary High-Water Mark Interpretation
- Regulations for Short-Term Rentals and Septic



NEXT STEPS

- Meet with remaining local governments around the lake
- Develop final report and individual recommendations to local governments
- Assist with follow-up on recommendations



www.lakecharlevoixprotection.org



OFFICIALS TRAINING

The Michigan Association of Planning's education programs provide participants with the skills and knowledge to make better land use decisions. Our knowledgeable and experienced instructors enable new elected and appointed officials to better understand their roles and responsibilities, and reacquaint experienced ones with innovative planning tools and techniques. We make it easy for you to receive the education and training necessary to keep up with the ever-changing land use landscape. In person workshops include a meal and refreshments. All sessions **except** Planning for Broadband include a guidebook.

Planning and Zoning Essentials *The most requested training product we offer.*

In Person March 16, 11:30 AM - 4:30 PM, Frankenmuth, Bavarian Inn Lodge, Instructors: Caitlyn Habben, AICP and Jason Ball, AICP

Virtual March 21 and 22, 6 - 8 PM, Instructor: Jill Bahm, AICP

This course is designed to boost confidence by sharpening skills, identifying conflicts of interest, understanding legal foundations, examining roles and responsibilities, and more!

This program is ideal for introducing new planning commissioners and zoning board of appeals members to their roles and responsibilities, and also for more experienced officials looking to refresh their skills and build upon existing knowledge. Roles and responsibilities, site plan review, comprehensive planning, zoning ordinances, variances, how to determine practical difficulty, and standards for decision-making are covered.

Site Plan Review

3.5 Master Citizen Planner CEUs

March 11 | 11 AM - 3:30 PM

Mt. Pleasant City Hall Instructor: Andy Moore, AICP

This program will demonstrate the site plan review and approval process and provide practical tools and techniques on how to read a site plan. You'll discuss site design principles, such as pedestrian and traffic considerations, lighting, utilities, ADA compliance, inspections, and landscaping. This hands-on workshop includes an engineering scale, turning template, and a site plan to evaluate.

Planning for Broadband

New Offering!

2 Master Citizen Planner CEUs

March 21 | 1 PM - 3 PM

Virtual Instructor: Eric Frederick, AICP

A well designed community broadband roadmap documents a community's strategic vision and goals, analyzes existing community resources and needs, and guides the tactical plans to realize this vision. This workshop will take you through the process from start to finish.

Making Good Decisions Together

New Offering!

2 Master Citizen Planner CEUs

March 16 | 5 PM - 8 PM

Frankenmuth, Bavarian Inn Lodge Instructor: Leah DuMouchel, AICP

This workshop delves into how the various local boards and commissions in understanding their respective roles and intentionally interacting with each other will yield more successful outcomes. Transparency and accountability mandates will be reviewed along with recent court findings.

Master Planning Process

3.5 Master Citizen Planner CEUs

March 14 | 4 PM - 8:30 PM | Mt. Pleasant City Hall

Instructor: John Iaconangelo, FAICP

This workshop is designed for those communities updating existing master plans as well as those creating entirely new ones. Roll up your sleeves and learn step-by-step about the requirements, components, and stakeholder involvement you'll need to organize when drafting or amending a master plan.

Advanced ZBA: Beyond The Fundamentals

New Offering!

2.5 Master Citizen Planner CEUs & 2.5 AICP CM

March 14 | 6 PM - 8:30 PM | Virtual

Instructor: Vidya Krishnan

You requested and we listened! A high level, interactive session for ZBA members, where recent court cases and statutes are reviewed and where participants will dig into four different case studies and discuss their findings. Basic ZBA knowledge is necessary to best participate.

Zoning Administration 2.0

New Offering!

2.5 Master Citizen Planner Credits & 2.5 AICP CM

March 21 | 1 PM - 3:30 PM | Virtual

Instructor: Megan Masson-Minock, AICP

In 2018, MAP debuted an intro Zoning Administration course. Our 2.0 workshop is a fast paced, interactive session. The following topics will be reviewed: roles, laws other than zoning that affect land use, enforcement, court cases, and trends in zoning. Participants should be experienced zoning administrators.

REGISTRATION FORM

Complete one form per registrant.

CONTACT INFORMATION:

NAME

AFFILIATION

EMAIL (confirmations and directions will be sent via email)

PHONE (with area code)

BILLING ADDRESS (include apt. or suite #)

CITY STATE ZIP

Please list any special needs (dietary, barrier free access, etc.)

REGISTRATION INFORMATION:

☐ I'm a MAP Member
☐ Join MAP now for \$65 and receive the member discount. As a bonus, you will receive membership through June 2024.

MEMBER RATES NON-MEMBER RATES *\$25 late fee if you register LESS THAN 5 business days before workshop*

☐ \$125 ☐ \$155 Site Plan Review
Mar. 1 | Mt. Pleasant

☐ \$120 ☐ \$150 Master Planning Process
Mar. 1 | Mt. Pleasant

☐ \$75 ☐ \$105 Planning for Broadband
Mar. 2 | Virtual

☐ \$85 ☐ \$115 Advanced ZBA
Mar. 14 | Virtual

☐ \$125 ☐ \$155 Planning & Zoning Essentials
Mar. 16 | Frankenmuth

☐ \$85 ☐ \$115 Making Good Decisions Together
Mar. 21 & 22 | Virtual

☐ \$120 ☐ \$150 Zoning Administration 2.0
Mar. 16 | Frankenmuth

☐ \$85 ☐ \$115 Student (full time) Member Rate
Mar. 21 | Virtual

☐ \$25 in person ☐ \$10 Virtual Workshop & Date:

PAYMENT INFORMATION: TOTAL:

☐ Check enclosed ☐ Invoice Me ☐ Visa ☐ Master Card
(Make checks payable to: Michigan Association of Planning)

CARD #

EXPIRATION DATE SECURITY CODE

CARD HOLDER'S NAME BILLING ZIP CODE



Boyne City Citizen Planner Program

A Land Use Training and Certificate Course for
Community Land Use Decision-Makers

Boyne City Citizen Planner

Begins Thursday,

April 6, 2023

6:00—9:00 PM

Classes held April 6, 13, 20,
27, May 4, and 18.

City Commission Chambers,
319 North Lake Street,
Boyne City, MI 49712

Citizen Planner is a time-tested educational program proven to be comprehensive without being overwhelming. The program is delivered locally to provide a convenient way for busy community leaders to obtain the latest technical knowledge and the proficiency they need to perform their duties more effectively and responsibly.



Citizen Planner Classroom Sessions

Citizen Planner instructors include MSU Faculty, MSU Extension educators, planners and attorneys. The core classroom program consists of six sessions:

- **Understanding the Planning and Zoning Context** – Learn the legal sources and limitations of planning and zoning authority, and explore your understanding of ethical decision-making.
- **Planning for the Future of Your Community** – Recognize the function and importance of a master plan, know the process for developing one and its relationship to zoning.
- **Implementing the Plan with Zoning** – Discover the importance of zoning, learn how zoning is administered and gain confidence in your zoning reviews, including site plans.
- **Making Zoning Decisions** – Learn how to adopt and amend a zoning ordinance, understand the role of the zoning board of appeals and obtain skills in basic property development methods.
- **Using Innovative Planning and Zoning** – Strategize with placemaking and design-based solutions for local and regional success in the New Economy.
- **Successfully Fulfilling Your Role** – Strengthen your ethical decision-making skills, apply standards to your decision-making and know when to ask for help. Also Available: Citizen Planner Online



Contact:

Kara Kelly - Citizen Planner Coordinator

Email: cplanner@msu.edu.

Visit: <http://citizenplanner.msu.edu>



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Citizen Planner Program (Boyne City)

1 message

Kiersten Stark <Starkk2@charlevoixcounty.org>

Mon, Feb 27, 2023 at 11:28 AM

To: "Kristin Baranski (clerk@hayestownshipmi.gov)" <clerk@hayestownshipmi.gov>, "Ron VanZee (supervisorhayestownshipmi@gmail.com)" <supervisorhayestownshipmi@gmail.com>, "Roy Griffiths (rwgriffitts3@gmail.com)" <rwgriffitts3@gmail.com>

To Township and City Officials,

The MSU Extension Citizen Planner program (*classroom version*) will be offered in Boyne City again this Spring, beginning in April. *This is a great opportunity for members of your Planning Commission (PC) or Zoning Board of Appeals (ZBA), especially **new members**, to learn more about their role on the PC or ZBA!*

This program consists of six (6) sessions, one (1) evening per week for 6 weeks. Each session lasts three (3) hours. Participants who complete all six sessions receive a certificate of completion from MSU Extension. Attached is a flyer with details regarding the course content, dates, time, location, and cost.

Many communities are able to receive reimbursement for this program through their insurance liability carrier (such as MMRMA or Par Plan). Participants are encouraged to explore this option!

To register for this program: <https://events.anr.msu.edu/CPBoyneCity23/>

The registration deadline is Friday March 24, 2023.

MSU Extension has asked for help in spreading the word about this upcoming program. This email is being sent to Township and City Clerks and Planning Commission Chairs. Can you share this information and the attached flyer with your **planning commission and zoning board of appeals members**? Thank you!

Kiersten Stark

Planning Director

Charlevoix County



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Property rights and zoning

2 messages

Ellis Boal <ellisboal@voyager.net>

Mon, Mar 13, 2023 at 3:00 PM

To: John Iacoangeli <jri@bria2.com>, kristin baranski <clerk@hayestownshipmi.gov>, Ron VanZee

<supervisor@hayestownshipmi.gov>, Roy Griffiths <rwgriffitts3@gmail.com>, Jennifer McKay

<jenniferm@watershedcouncil.org>

Cc: LuAnne Kozma <luannekozma@gmail.com>

Please forward the following comment to each member of the Planning Commission and Advisory Group. Thanks.

Ellis

Hayes Township Planning Commission, Advisory Focus Group, Tip of the Mitt,

I write to expand on just one aspect -- paragraph 5 page 2 -- of LuAnne Kozma's recommendations of March 12, which I fully endorse.

Referring to the current (2020) Master Plan, downloadable at <https://www.hayestownshipmi.gov/hayes-township-master-plan/>, she quotes a passage from page 21 concerning "water quality," one of several zoning modifications proposed by the Plan. The passage refers to "property rights," the only mention of this in the entire 71-page Plan.

In full the "Water Quality" passage says:

The quality of water resources, both surface and ground, is a foundation to the community's identity. However, protecting water quality while maintaining private property rights is a delicate balance. The Township will review its existing waterfront regulations and gather input from the community and Tip of the Mitt Watershed Council to identify improvements to the zoning ordinance that effectively achieve this balance while respecting individual land owners.

(Underlining here and in the quotes below, I have added.)

But "private property rights" is an elastic term, the meaning and importance of which is different for different people.

I highlight one example, the view of Roy Griffiths, Chair of the Township Planning Commission. I expect his view -- stated in front of a mic he knew to be live and which he has never retracted -- is at odds with almost everyone including myself.

Yet as the township's PC Chair his views will be influential, possibly even dispositive.

He was discussing property rights on January 26 of last year, referring to the Laws' proposed boathouse, in conversation with ZBA member Bruce Deckinga. He said the following, as I documented two weeks later in public comment to the Trustees:

Deckinga: "Where in this is there an event? —"

Griffitts: "So —"

Deckinga: "This is a deck"

Griffitts: "So this is the sec— This is the second floor. So this area here, unfortunately, they used the term 'event area.' They could have called this a 'lounge.' They could've— It's a private building. You can call it anything you want. I could call my basket? [unintelligible]" —

Deckinga: "Second floor, above the boats."

Griffitts: "Above the boats. You know, and their claim is, one of the problems with this is, is they're [the then-protesting Hayes residents are] speculating, all of their arguments are speculating. 'Well, they built

March 12, 2023

TO: **Advisory Focus Group** —Kim Fary, C.T. Martin, Jim Rudolph, Jenny Silva, Mark Snyder, Derek Burnett, Marilyn Morehead

Hayes Township Planning Commission—Ed Bajos, Steve Bulman, Derek Burnett, Matt Cunningham, Rex Greenslade, Roy Griffiths, Marilyn Morehead

CC: Jennifer McKay, Tip of the Mitt Watershed Council; John Iacoangelia, Beckett & Raeder

FROM: LuAnne Kozma, 9330 Woods Road, Charlevoix, Hayes Township resident

RE: Focus Area 3, the Lake Charlevoix waterfront and Boyne City Road corridor

1. In the current Master Plan on page 19, is the required Zoning Plan in Table 1: Zoning Districts and Associated Future Land Use. However, the proposed chart “Table XX - Future [sic] Land Use Categories” that Mr. Iacoangeli of Beckett & Raeder prepared for the March 15 agenda is a departure from this and does not include the Zoning Districts as required by the Michigan Planning Enabling Act. MCL 125.388(2)(d) states “...The zoning plan shall include an explanation of how the land use categories on the future land use map relate to the districts on the zoning map.” I recommend adding Mining Impaired to the current Zoning Plan on page 19 and dispensing with Table XX. Table XX obscures exactly which Future Land Use designations would relate to which districts on the zoning map.

2. In the Zoning Plan on page 19 of the Master Plan, **keep all waterfront properties on Lake Charlevoix in the R-1 Low-Density Residential Zone with 2 acre minimum lot size in the Zoning Plan and on the Future Land Use Map.** The new Table XX suggested by Mr. Iacoangeli for the March 15 meeting indicates that a new “Residential Waterfront” land use category would translate to lot sizes varying from 1/2 acre to 2 acres. Anything less than a 2 acre lot size is unacceptable for Lake Charlevoix.

3. **Keep R-1 and R-2 zones as separate zones.** Lake Charlevoix’s waterfront properties have different setbacks (100 feet) than Susan Lake and a larger lot size requirement (2 acres) than the other lakes. Increasing density on Lake Charlevoix and allowing smaller lot sizes there will increase density resulting more buildings, septic systems, driveways, roads, tree-clearing, and more intense use, leading to degradation of water quality and scenic beauty.

4. On page 19 of the Master Plan, **fix the Front setback in the R-1 zone to 100 feet**, as it has been in the Zoning Ordinance for decades (since 1989).

8. **No resorts or resort use on Lake Charlevoix.** The shoreline has always been quiet, low density residential only. The R-1 zoning along Lake Charlevoix must be strictly maintained for the health and general welfare of the public.

For the protection of Lake Charlevoix and its tributaries, and for the health and general welfare of the public at large and the public water body, the Master Plan should be in step with the land use plans, watershed plan, recommendations, and studies below:

9. *The Charlevoix County Future Land Use Plan*, adopted by Charlevoix County, Adopted 1-10-2018, states:

- With a surface area of 17,200 acres and 56 miles of shoreline, Lake Charlevoix is the third largest and one of the highest quality inland lakes in Michigan. This lake is critical for waterfowl and fisheries. Its largest tributary is the Jordan River. (page 10 of document)
- Industrial pollutants were the greatest threat to the area's lakes and rivers 100 years ago. **Now, nutrients and sediment caused by shoreline development**, recreational pressures, streambank erosion, road-stream crossings, stormwater discharge from urban areas, agricultural activities **and other human activities are the main water quality concerns.** (page 10 of document, emphasis added).
- The township zoning ordinances have become increasingly unique over time. For example, they differ in their requirements for greenbelts along the shoreline, the distance they must extend back from the shoreline, the amount of trimming or clearing allowed, and at what point the measurements begin. (page 7 of the document)
- Shoreline areas and wetlands are recognized as special categories due to the environmental sensitivity of these areas. (page 35 of the document).
- Lakefront and Lake View Residential - These lands front on or are near water bodies (primarily lakes), or they feature a view of the lake(s). Due to the nature of these lands, their proximity to water, and lack of a full complement of urban services, the recommended residential density is no greater than two dwelling units per acre. (page 36 of the document).

The plan can be found at: <https://charlevoixcountymi.documents-on-demand.com/Document/fce0354e-fc90-e811-80c0-001fbc00ed85/Charlevoix%20Co%20Future%20Land%20Use%20Plan%20FINAL%20ADOPTED.pdf>

An updated version of this document, available at both of the following links includes the Waterfront Regulations section of the **Hayes Township ordinance as a model ordinance for other townships to follow regarding Natural Features Setbacks**:

State of Michigan

<https://www.michigan.gov/egle/about/organization/water-resources/inland-lakes-and-streams/local-protection-of-inland-lakes>

Michigan Lakes and Streams Association

<https://mymlsa.org/government-and-legal-issues/protecting-michigans-inland-lakes-a-toolkit-for-local-governments/>

13. In 2016, various local agencies and governmental officials responsible for Lake Charlevoix gathered together to complete a 3-year study and report ***Enacting Shoreline Zoning Protections Around Lake Charlevoix***, funded by the Michigan Department of Environmental Quality. They evaluated the history of prior shoreline protection efforts around Lake Charlevoix, including an analysis of the existing local ordinances around the lake, and reviewed current zoning standards. The project team worked with local planning and zoning officials to develop and implement new zoning standards for waterfront properties around the lake. “This project primarily focused on zoning actions that can be taken to protect the *shoreland protection zone*.” Among the policy recommendations are:

Recommendation #2: Shoreline Setbacks – Townships

Zoning ordinances will require shoreline setbacks of at least 50' from the High Water Elevation for all principal and accessory structures except for docks, shoreline protection structures, allowed viewing platforms, and stairs to the lake.

Recommendation #3: Greenbelt/Vegetated Buffer Strips – Townships

Zoning ordinances will require a greenbelt, or vegetated buffer strip, for new development or redevelopment on lots along the shore of Lake Charlevoix. The greenbelt policy should:

- Set a minimum greenbelt depth of 50 feet, measured from the High Water Elevation
- Require native vegetation in the greenbelt
- Require trees and woody plants and shrubs be planted in the greenbelt
- Prohibit lawns within the greenbelt
- Prohibit beach sanding within the greenbelt and between the greenbelt and water's edge.

Preserving natural shorelines and streambanks is essential to protecting water quality.” (page 124 of the document)

The report can be found at: https://www.watershedcouncil.org/uploads/7/2/5/1/7251350/lake-charlevoix_wmp_17.pdf

15. This administration's Master Plan was approved in winter 2020 on a Friday night, with no public comments. No attempt was made to ask the public for comments during the 63 day period prior to the public hearing. The fall newsletter made zero mention of it. The Township did not mention it in any mailings to residents with the winter tax mailing. This resulted in poor public participation. The problems with the Master Plan are the result. The current process being undertaken by the Planning Commission to open up the Master Plan with an advisory group process has sidestepped direct communication from residents to the Planning Commission. There are no minutes of Advisory Focus Group meetings, only "notes" and they are not accurate. No individual public commenters are identified for their comments nor are their comments accurately recorded. Many letters by residents submitted to the Advisory Focus Group, including my own and a letter by nuclear experts about Big Rock's high-level radioactive waste, for example, do not appear on the www.HayesMasterPlan.org site, and that website is not maintained by the Township. In other words, Public Comments are being deep-sixed and kept from the Township officials and from the Public.

END



2232 RESORT PIKE ROAD, PETOSKEY, MI 49770-0848
tel 231-347-7915 e-mail zoningplanning@resorttownship.org

February 13, 2023

**RE: Notice of Intent to Plan
Resort Township Master Plan**

To whom it may concern,

This notification is to inform you that Resort Township is beginning the process of reviewing and preparing a new Township Master Plan pursuant to the requirements of section 125.3839 of the Michigan Planning Enabling Act (Public Act 33 of 2008). As required and once a draft plan is approved for distribution, a copy of the draft Plan will be made available to you for your review. We welcome your input and comments.

Resort Township intends to provide further information on the Master Plan through electronic mail, as permitted through the state statute referenced above.

If you would like to receive any future notices regarding the new Resort Township Master Plan through first class mail delivery, please email your request to Randolph Frykberg, Township Planner, at zoningplanning@resorttownship.org.

Please contact the Township offices at 231-347-7915 if you have any questions.

We thank you for your consideration.

February 7, 2023

To: The Hayes Township Master Plan Advisory Focus Group and Hayes Township Planning Commission, and Board of Trustees

From: LuAnne Kozma, Hayes Township resident, 9330 Woods Road, Charlevoix

Re: Big Rock Point parcels need re-classification

I am extremely concerned about the profound and deadly risks to public health due to the High-Level Radioactive Waste stored in our community at the Big Rock Point properties.

As a “reactor community,” Hayes Township has a duty to protect residents from the hazards of the nuclear wastes produced by the Big Rock Point nuclear reactor, through appropriate planning and zoning. We are unlike any other community in the region and our responsibility is not only to ourselves but also to surrounding communities.

I have three recommendations:

1. Amend the “Future Land Use” map to designate the Consumers Energy and Holtec Palisades parcels in a new category of “High-Level Radioactive Waste” as that is the likely scenario for the next 20 years or more. They constitute a *de facto* long-term storage site of High-Level Radioactive Waste with surrounding vegetated buffer.
2. Create a corresponding new zoning category in the Zoning Plan in Table 1 on page 19 for “High-Level Radioactive Waste Area.” It should not be “industrial” or allow new nuclear (or other) industrial use there. It should restrict people from the site indefinitely. Currently the parcels are mapped for future land use as “Conservation Reserve.” The corresponding *zoning* for CR includes playgrounds, recreation camps, boat ramps, community centers and other types of creation. This cannot be allowed on this land. CR is not an appropriate future land use or zoning category for these properties. If CR is still kept, a separate zoning category of “CR-restricted to only wildlife, no human activity” should be created and this land designated as such.
3. Change some of the Master Plan language to better reflect the reality of the High-Level Radioactive Waste long-term storage facility. **“Spent fuel” is a euphemism for high-level radioactive waste.** The Master Plan would better inform the public if the following sentences were re-stated.

On page 10 it states: “During the 1960’s, Consumers Power Big Rock Nuclear Power Plant and LexaLite Manufacturing were built on the shore of Lake Michigan, providing

Dry Fuel Storage Location



* **Not suitable for parkland or recreational use.** This means no hiking. No camping. No birdwatching. No biking. No picnics. No playgrounds. No fishing. It's what a reactor community has to live with after allowing this dirty nuclear industry to operate here for decades. It is a sacrifice zone. Creating parkland out of the worst of contaminated land is a form of greenwashing. In 2006, there was an effort by well-meaning folks to create a state park from this land. It was so problematic and unsafe, the state's major environmental groups rallied against it dubbing it "Plutonium State Park." The plan to create the park was defeated. (See: https://www.environmentalcouncil.org/coalition_slams_brakes_on_controversial_big_rock_nuclear_park_proposal)

* **The hazards and problems with the radioactive contaminations caused by the nuclear operations at Big Rock Point and of the so-called environmental clean up are many.** See: Say Yes to Michigan, Say No to the "Plutonium State Park"!
Backgrounder on Big Rock Nuclear Power Plant.

* **The waste has nowhere to go and will remain here indefinitely.** See attached letter by Kevin Kamps and Michael Keegan/Beyond Nuclear and Don't Waste Michigan; and See: "No immediate plans to remove nuclear waste from Big Rock Point," Petoskey News, Annie Doyle March 4, 2022.

Also attached: Nuclear Plant Decommissioning: A New Crisis and New Opportunities," Beyond Nuclear Fact Sheet. December 2020.

END

New actors in the market, positioning themselves as decommissioning “specialists” despite having little experience, operate on this business model, forming limited liability corporations to hold the licenses so they can insulate themselves from risk, and so parent companies won’t be responsible for bad outcomes and don’t have to put in any of their own money.

Some, such as Holtec International, have track records of failure and extensive malfeasance, as well as sidelines that encourage self-dealing and further incentivize them to make selfish, profit-driven decisions as opposed to protecting public health and safety. For example, Holtec is trying to license its own “consolidated interim storage facility” (CISF) in New Mexico where it proposes to ship high-level nuclear waste across the U.S., transferring title and liability to the Department of Energy, and profiting from federal funding for waste storage. It also has designed and is seeking licenses to build “small modular reactors” which might one day be fueled by reprocessing the nuclear waste it wants to acquire and consolidate. Given the lack of a permanent geologic repository for nuclear waste, such DOE-enabled CISFs aren’t legal under current law. But Congress is considering pending bills and allocating funds which would authorize and enable them.

WHAT STATES CAN DO TO PROTECT THEMSELVES

Suffice to say that trusting such leveraged, undercapitalized, compartmentalized companies with bad records to take responsibility for decommissioning and nuclear waste in a lax federal regulatory environment is fraught with risks and dangers. They could walk away with the job half done, leaving reactor communities and states with the costs and impacts of contaminated sites and de facto nuclear waste dumps. And their incentive to cut costs and corners could result in severe radiological accidents such as radioactive dust plumes, fuel pool fires, dry cask storage transfer accidents and leaks, or mishaps from transporting waste by barge, road or rail.

But states are far from powerless to protect themselves, and need not be at the mercy of the decommissioning companies and lax federal oversight. While the NRC has sole jurisdiction over radiological and safety issues, states have jurisdiction over how decommissioning impacts surface water, future land use, energy policy, local economies, recreation, and tourism. States also have some authority over hazardous material and toxic chemical contamination which applies to nuclear sites. Governors, comptrollers, attorneys general, public utility commissions, and other relevant state agencies can and should use their jurisdiction to assert authority over key decommissioning decisions, demand meaningful state and local input into the process, and maintain fiduciary oversight of the DTFs. States can also work with their Congressional delegations to improve oversight of the NRC, and pass laws to protect states and reactor communities.

For more details on states’ fiduciary risks from decommissioning and how they can manage them, see Beyond Nuclear’s “Backgrounder on Decommissioning Trust Funds.”

transportation, indicating the potential is there for possible transportation if so desired.

"The report concludes that with some updates to guidance, our regulatory framework is in good shape to oversee such a campaign," said David McIntyre with the U.S. Nuclear Regulatory Commission Office of Public Affairs.

"When the review was initiated, our agency was reviewing two applications from industry to license 'Consolidated Interim Storage Facilities' for spent nuclear fuel in Texas and in New Mexico," McIntyre said. "The Texas license was issued in September 2021 to Interim Storage Partners, a joint venture of Waste Control Specialists and Orano USA, a company that designs and sells dry storage systems for spent fuel. The New Mexico application remains under review. That applicant is Holtec International, a rival to Orano in producing dry storage systems. Each company plans to transport spent fuel from various commercial nuclear power plants and store it at their facilities as permanent disposal repository becomes available. Priority would be given to fuel from previously decommissioned plant sites, such as Big Rock Point."

According to McIntyre, in recent years Holtec has purchased several nuclear power plants that have permanently ceased operations, with the intention of decommissioning them fairly rapidly instead of waiting decades for the radioactivity to decay.

"They have entered into an agreement with Entergy to purchase the Palisades plant in Covert, Michigan, after it permanently shuts down in May. We approved the license transfer last December. This purchase includes the spent fuel storage facility at Big Rock Point," he said.

McIntyre added that "The short answer is that nothing is going to happen anytime soon."

"The governors of Texas and New Mexico are challenging both proposed facilities, and it will be several years before either company would initiate a transportation campaign," he said.

Subscribe: Get unlimited access to our local coverage

requested – and obtained – permission from the NRC for “on-site disposal” – that is, not cleaning up the spill, but rather simply leaving it in the soil and groundwater. The company and NRC admit that this and other tritium spills violated the Safe Drinking Water Act from 1984 to 2000, in terms of the concentration of tritium in the site’s groundwater, calling into question the safety of portions of the BRP site’s groundwater, for human consumption, for many decades yet to come.

The hazardous radioactivity released by BRP into the air and surface water, onto the soil, and into the groundwater, did not disappear into nothingness. Although much may have migrated off-site — to harm people and other living things downstream and downwind, as well as down the generations, and to bio-accumulate up the food chain — some radioactive contaminants undoubtedly still remain on-site, and in sediments along the adjacent Lake Michigan shoreline -- likely including incorporated in area flora and fauna -- and will continue to do so indefinitely into the future.

As documented by Dale Condra (Table 4, “Concentrations of Plutonium Radionuclides in Water Samples, Big Rock,” in “Analytical Results for Water Samples Collected December 2, 2003 at Big Rock Point Nuclear Power Plant, Charlevoix, Michigan,” Inspection Report Number 050-00155/2003-07) [RFTA 04-001], Oak Ridge Institute for Science and Education (ORISE), Jan. 27, 2004), ultra-hazardous artificial plutonium has been confirmed in groundwater samples at BRP. Given that cleanup during decommissioning extended down less than six inches below the ground surface, plutonium contamination of groundwater and adjacent soils undoubtedly lingers. This is true despite groundwater flow, over time, into Lake Michigan, given plutonium’s relative insolubility.

NRC’s “Safety Evaluation” and “Environmental Assessment/Finding of No Significant Impact,” dated March 2005, as well as Consumers Energy’s LTP, admit the following alarming litany of “residual” artificial radioactive hazards in soil and groundwater at BRP, even post-decommissioning: Hydrogen-3 (tritium); Carbon-14; Manganese-54; Iron-55; Nickel-59; Cobalt-60; Nickel-63; Zinc-65; Strontium-90; Technetium-99; Silver-110m; Iodine-129; Cesium-134; Cesium-137; Europium-152; Europium-154; Europium-155; Plutonium-238; Plutonium-239; Plutonium-240; Plutonium-241; Americium-241; Curium-243; and Curium-244.

Cobalt-60 remains hazardous for 53 years after generation in an atomic reactor. Tritium for 123 years. Strontium-90 for 290 years. Cesium-137 for 300 years. Americium-241 for 4,300 years. Carbon-14 for 57,000 years. Plutonium-239 for 240,000 years. Technetium-99 for 2 million years. Iodine-129 for 160 million years. To name but a few. Clearly, the radioactive hazards at BRP will persist forevermore, at least in regards to any human understanding of time-scales.

In addition to the radioactive contamination described above, there is also the highly radioactive waste stored on-site. About a decade ago, the U.S. Department of Energy predicted that a permanent geologic repository could not be opened until 2048 at the earliest. Given that no progress has been made since, even this date is very likely overly optimistic.



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Letter to Hayes Township Advisory Focus Group and Planning Commission, re: The need for zoning at the former Big Rock Point nuclear power plant to absolutely minimize human exposure to the lingering hazardous radioactive contamination of the site, as well as to the highly radioactive wastes that will likely remain stored there for decades or longer (Pasted into email below, and attached in PDF format)

1 message

Kevin Kamps <kevin@beyondnuclear.org>
To: Clerk@hayestownshipmi.gov
Cc: Keegan/Michael <mkeeganj@comcast.net>

Mon, Feb 6, 2023 at 4:31 PM

To: Hayes Township Advisory Focus Group and Planning Commission

Submitted via: Clerk@hayestownshipmi.gov

Re: The need for zoning at the former Big Rock Point nuclear power plant to absolutely minimize human exposure to the lingering hazardous radioactive contamination of the site, as well as to the highly radioactive wastes that will likely remain stored there for decades or longer

Date: February 6, 2023

Dear Hayes Township Advisory Focus Group and Planning Commission,

We urge that the former Big Rock Point nuclear power plant (BRP) be zoned so as to absolutely minimize human exposure to the lingering hazardous radioactive contamination of the site, as well as to the highly radioactive irradiated nuclear fuel and Greater-Than-Class-C so-called "low-level" radioactive wastes (GTCC) that will likely remain stored there for many decades, or longer.

As documented in the November 30, 2006 report entitled *Say Yes to Michigan, Say No to the 'Plutonium State Park': Background on Big Rock [Point] Nuclear Power Plant*, by Kevin Kamps, Nuclear Waste Specialist at Nuclear Information and Resource Service, significant amounts of hazardous radioactive contamination remained at the site, even after and despite the several hundred million dollars spent on decontamination efforts, and despite the U.S. Nuclear Regulatory Commission's (NRC) approval for "unrestricted use" of the site. The report (posted online at <http://archives.nirs.us/reactorwatch/decommissioning/bigrockbackgrounder272007.pdf>) was based on BRP owner Consumers Energy (formerly Consumers Power), decommissioning contractor British Nuclear Fuels, Ltd. (BNFL), NRC, and other corporate and government documents, such as the July 1, 2004 License Termination Plan, Rev. 1 (LTP), and "Radioactive Materials Released from Nuclear Power Plants," NUREG/CR-2907, by Brookhaven National Laboratory, Upton, NY, prepared for Office of Information Resources Management, NRC (FIN B2234).

A non-conservative figure (due to many significant years of data not being accounted for) for hazardous radioactive emissions from BRP into the environment, reported by Consumers Energy to the NRC (and its predecessor, the U.S. Atomic Energy Commission), was more than 3.3 million curies. This is a very shocking figure for such a relatively small-sized atomic reactor, of just 67 Megawatts-electric. But it is explained by the fact that BRP was experimental, and experienced a number of fuel failure events in its operating reactor core.

It is also explained by the company's shocking "Radiological Event History" in its License Termination Plan, listing 63 radiation spills, leaks, overflows, and floods, as well as sloppy handling of radioactive wastes and radioactively contaminated materials across the site. (LTP, Page 2B-1). In just one of these incidents, on May 31, 1984, BRP leaked 20,000 gallons of hazardous tritium (radioactive hydrogen) into the soil and groundwater. Consumers Energy requested — and obtained — permission from the NRC for "on-site disposal" — that is, not cleaning up the spill, but rather simply leaving it in the soil and groundwater. The company and NRC admit that this and other tritium spills violated the Safe Drinking Water Act from 1984 to 2000, in terms of the concentration of tritium in the site's groundwater, calling into question the safety of portions of the BRP site's groundwater, for human consumption, for many decades yet to come.

The hazardous radioactivity released by BRP into the air and surface water, onto the soil, and into the groundwater, did not disappear into nothingness. Although much may have migrated off-site — to harm people and other living things downstream and downwind, as well as down the generations, and to bio-accumulate up the food chain — some

new nuclear power plants; to educate the public about the dangers of nuclear power and nuclear waste, its deadly byproduct; and to block the practice of landfilling nuclear waste.



2 6 2023 BRP letter FINAL.pdf
55K

requested – and obtained – permission from the NRC for “on-site disposal” – that is, not cleaning up the spill, but rather simply leaving it in the soil and groundwater. The company and NRC admit that this and other tritium spills violated the Safe Drinking Water Act from 1984 to 2000, in terms of the concentration of tritium in the site’s groundwater, calling into question the safety of portions of the BRP site’s groundwater, for human consumption, for many decades yet to come.

The hazardous radioactivity released by BRP into the air and surface water, onto the soil, and into the groundwater, did not disappear into nothingness. Although much may have migrated off-site — to harm people and other living things downstream and downwind, as well as down the generations, and to bio-accumulate up the food chain — some radioactive contaminants undoubtedly still remain on-site, and in sediments along the adjacent Lake Michigan shoreline -- likely including incorporated in area flora and fauna -- and will continue to do so indefinitely into the future.

As documented by Dale Condra (Table 4, “Concentrations of Plutonium Radionuclides in Water Samples, Big Rock,” in “Analytical Results for Water Samples Collected December 2, 2003 at Big Rock Point Nuclear Power Plant, Charlevoix, Michigan,” Inspection Report Number 050-00155/2003-07) [RFTA 04-001], Oak Ridge Institute for Science and Education (ORISE), Jan. 27, 2004), ultra-hazardous artificial plutonium has been confirmed in groundwater samples at BRP. Given that cleanup during decommissioning extended down less than six inches below the ground surface, plutonium contamination of groundwater and adjacent soils undoubtedly lingers. This is true despite groundwater flow, over time, into Lake Michigan, given plutonium’s relative insolubility.

NRC’s “Safety Evaluation” and “Environmental Assessment/Finding of No Significant Impact,” dated March 2005, as well as Consumers Energy’s LTP, admit the following alarming litany of “residual” artificial radioactive hazards in soil and groundwater at BRP, even post-decommissioning: Hydrogen-3 (tritium); Carbon-14; Manganese-54; Iron-55; Nickel-59; Cobalt-60; Nickel-63; Zinc-65; Strontium-90; Technetium-99; Silver-110m; Iodine-129; Cesium-134; Cesium-137; Europium-152; Europium-154; Europium-155; Plutonium-238; Plutonium-239; Plutonium-240; Plutonium-241; Americium-241; Curium-243; and Curium-244.

Cobalt-60 remains hazardous for 53 years after generation in an atomic reactor. Tritium for 123 years. Strontium-90 for 290 years. Cesium-137 for 300 years. Americium-241 for 4,300 years. Carbon-14 for 57,000 years. Plutonium-239 for 240,000 years. Technetium-99 for 2 million years. Iodine-129 for 160 million years. To name but a few. Clearly, the radioactive hazards at BRP will persist forevermore, at least in regards to any human understanding of time-scales.

In addition to the radioactive contamination described above, there is also the highly radioactive waste stored on-site. About a decade ago, the U.S. Department of Energy predicted that a permanent geologic repository could not be opened until 2048 at the earliest. Given that no progress has been made since, even this date is very likely overly optimistic.



Roy Griffiths <rwgriffitts3@gmail.com>

Fwd: RESPONSIBILITY & ACCOUNTABILITY

Kim <kfgarden10@gmail.com>

Mon, Mar 27 at 8:18 PM

To: <clerk@hayestownshipmi.gov>, <supervisor@hayestownshipmi.gov>, <treasurer@hayestownshipmi.gov>, <trustee2@hayestownshipmi.gov>, <hayestrustee5@gmail.com>, <rwgriffitts3@gmail.com>, Derek Burnett <burnett.pc@outlook.com>, <steve@bulmanndock.com>, Marilyn Morehead <morehead.m@gmail.com>, greensladerex@gmail.com <greensladerex@gmail.com>, <edbajos@gmail.com>, <district1@charlevoixcounty.org>, starkk2@charlevoixcounty.org <starkk2@charlevoixcounty.org>

Hayes Township, Charlevoix County

BOARD OF TRUSTEES, PLANNING COMMISSION & CHARLEVOIX COUNTY COMMISSIONER AND PLANNING COMMISSION,

The residents of Bay Shore have been under constant attack by poor (or reckless) planning and favoritism to a few institutions. This Township has aided in plans that put the residents, environment and even tourists in the path of great harm to its safety, health, well-being, ground water, air quality, property and the eco-systems.

WE HAVE PROVIDED for months, Geological/Hydrogeological information from a retired professional state geologist, EGLE maps, studies from state institutions and private sectors on the fragility of this area and impact of mining, salt stations and additional industry will have on the residents and environment. However, with no regard you have chosen to continue in the aiding of these past and current plans. We have spoken out repeatedly that the residents, HEAR ME, I SAID RESIDENTS of this township, not just Bay Shore, have indicated in voice and in a pre-Master Plan survey that we OPPOSE Industrial Zoning, Cement Factories, Noise, Environmental dangers, limit Commercial, and so on.

Bay Shore area has had to fight nonstop on all of these issues in ONE YEAR and now further mining is completely out of the realm of being okay. This new mining should NEVER have been brought back to light especially after the residents opposed mining years ago that resulted in a court battle. This should have been one clue to show you what not to do in the future of this Township.

Residents demand immediate action from Hayes Township for a Special Use Permit hearing on this new phase of mining, especially that Phase 7 was abandoned years ago, which was validated by the statement made by Ron Van Zee at PC Meeting, August 2022.

In March 2019 residents are up in arms over the proposed Cement Factory/ Public Hearing-Special Use Permit on Boyne City Road. Residents make it clear, NO CEMENT FACTORY!

APRIL 1, 2019: BOT Meeting - New Business: JoEllen Rudolph gives a presentation about the history of the Green Pit and the residents' court battle with H&D (property now owned by Rieth Riley). She submits the presentation to Hayes Township for review and public knowledge. Since the 30 years had arrived for mining, she wanted to make sure the Township understood their responsibilities, which was given to Supervisor Ron Van Zee.

PRESENT: RON VAN ZEE, MATT CUNNINGHAM, JULIE COLLARD, KRISTIN BARANSKI, DOUG KUEBLER, ROY GRIFFITTS
BOB JESS (was absent, but would have needed to approve /or see these minutes)

APRIL 16, 2019: PC Meeting - New Business: JoEllen Rudolph made a presentation about H&D, Rieth Riley sand and gravel pit Reclamation.

PRESENT: ROY GRIFFITTS, MATT CUNNINGHAM, ED BAJOS, MARILYN MOREHEAD, DOUG KUEBLER, KRISTIN BARANSKI

MAY 13, 2019: BOT Meeting: Public Comment: Rieth Riley/H&D bond not renewed/reclaim property?

PRESENT: RON VAN ZEE, MATT CUNNINGHAM, JULIE COLLARD, BOB JESS, KRISTIN BARANSKI, DOUG KUEBLER, ROY GRIFFITTS

month later: JoEllen Rudolph questions what Ron Van Zee has found out. Per JoEllen: Van Zee states, I sent Rieth Riley a letter and they have not responded.

In this paragraph, let's jump back to 2019 prior to the adoption of the Master Plan, and the timeframe from draft to adoption.

JoEllen Rudolph makes her presentation in April, and it's discussed at the BOT, PC meeting and in May. All responsibilities of the Township about Rieth-Riley property are disregarded as is a survey prior to the master plan is regarding the residents' needs and concerns. No one voted to have the attorney look at the Consent Judgment then? correct?

No studies were done or looked into for the Bay Shore area to come to the conclusion that future zoning or future land use supports INDUSTRIAL zoning. The soil maps on page 38 of the Master Plan, indicating that the pit properties are "T-NOT RATED, which was also disregarded.

The Draft Master Plan is released around the holidays. There is one present at the meeting, which should have been an immediate indication that no one had an idea, or the timing to release the draft was inappropriate. No mailer or RESIDENTS PARTICIPATION, LIKE A FOCUS GROUP IS DONE PRIOR TO THIS MASTER PLAN. What exactly was the rush to push this Master Plan through, especially when there are many inconsistencies, mistakes and contradictions. Then in the heart of winter, the least number of residents being in the area and January weather, this Master Plan was adopted with, I believe, two people in the audience..... HOW CONVENIENT. If you ALL truly cared about this Township and the residents, you would have made an effort to the above points. Argue all you want that you did all you could to inform residents. It was the barest of minimal.

A few weeks ago, Carol Umlor is approached by Rieth-Riley that they will be coming on her property in a few weeks to mine. A day later Ron Van Zee gets wind and decides to ask Jim Pemberton to speak at the BOT meeting, March 13th, which is 3 days from that meeting. WITHOUT ADEQUATE NOTIFICATION that presentation was not added to the posted agenda, leaving residents of this Township especially residents of Bay Shore or even Resort Township, who border the Green Pit to hear about it by word of mouth. JoEllen Rudolph got word from Jim McMahon and not given notice by Van Zee or Rieth Riley. She immediately wrote a letter asking Mr. Van Zee to rescind the invitation to RR to speak at the BOT meeting. She asked for a special meeting to be scheduled for Rieth Riley and proper notification to residents. She also made it clear she would be unable to attend, including myself. You all should be aware by now that I am the lead advocate and voice to Bay Shore and to repeat, JoEllen is the main Intervenor of the consent judgment. I was, and still am dealing with a family emergency, which is why I could not be present. Ron Van Zee has made it obvious since 2019 that he has no respect for JoEllen Rudolph and the residents of Bay Shore. In his response to JoEllen's request letter, he indicates he will allow this to take place, claiming " it was the previous boards that ignored the intervenors for years by not acquiring authorized assessments and performance bonds. He also states he will take the word of the professional; and continue to provide information to the public".

Jumping back to April 1, 2019, BOT meeting. *WHOSE RESPONSIBILITY WAS IT TO LOOK INTO HOLDING RIETH-RILEY ACCOUNTABLE AND BOND! RON VAN ZEE*

He also used that same blame game sentence about the previous board, not doing their job, at the April 2022 BOT meeting.

The statement, providing information to the public is an absolute untruth. Residents either get some information months later, when it's too late or you have to be an FBI agent to find it!

To present a speaker not on the agenda but ask them to speak on a very impactful and contested situation, without giving residents ample notification to be present is poor judgement.

Last but not least, Rieth-Riley's representative Mr. Jim Pemberton who spoke at the BOT meeting March 13, 2023. I have listened to audio of that meeting several times and have forwarded it.

This was the most blatant disregard of misinformation on public safety and health to the residents of Hayes Township. Mr. Pemberton has NO regard for road safety or any safety of the residents. What this comes down to is a control and misinformation campaign about the seriousness of this situation along with complete environmental injustice being aimed at Bay Shore.

This is the same company that told Mr. Van Zee they were done with mining in the green pit. Rieth Riley stopped mining years ago in the green pit, which I estimate almost 15 years ago. If this material is so good, why was it left? Why mine now? Didn't Mr. Van Zee say Rieth -Riley stated, it was too difficult to mine and not cost effective?

Residents are also questioning, what is in this for Emmet County Road Commission to allow Rieth- Riley to use their property to get to the new mining area? Based on the hydrological assessment, since this property(s) has an unconfined aquifer inch from or breached the surface this is not a wise move to use as a road.

Most statements by Jim Pemberton were misleading and misinforming. One HUGE falsehood was comparing the mining and material in the green pit to sleeping bear dunes, and if that was so dangerous, we wouldn't go there. Fact: years to millions, there is natural erosion to rock and minerals which is similar to a tumbling process. Mining is a pulverizing, dramatic un- natural crushing process that creates microscopic shards that embed in the lungs, brain and

HAYES TOWNSHIP PLANNING COMMISSION

Meeting Date: March 28, 2023

Location:

Hayes Township Hall

Name	Would you like to be called on to speak during public comment?	
Betty M. Henne	☒ YES	☐ NO
Sil Henne	☒ YES	☐ NO
Tom Forton	☒ YES	☐ NO
Marolyn Anderson	☒ YES	☒ NO
Dara Pheas	☐ YES	☒ NO
Catherine Pheas	☐ YES	☒ NO
Robert J. Jorgensen	☐ YES	☐ NO
Dee Hutcherson	☒ YES	☒ NO
Mike Hutcherson	☐ YES	☒ NO
DEBBIE MARTELL	☐ YES	☐ NO
Jesus TORRES	☐ YES	☒ NO
Bethany Torres	☐ YES	☒ NO
Brynn Deekunga	☐ YES	☒ NO
Kim Fae	☒ YES	☐ NO
Chelsea Mills	☒ YES	☐ NO
Tom Darnton	☐ YES	☒ NO
Jim McElroy	☒ YES	☐ NO
Vic & Kathy Martinchek	☐ YES ?	☐ NO

HAYES TOWNSHIP PLANNING COMMISSION

Meeting Date: March 28, 2023

Location:

Hayes Township Hall

[illegible]