



STATE OF MICHIGAN



JENNIFER M. GRANHOLM  
GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

LANSING

REBECCA A. HUMPHRIES  
DIRECTOR

July 23, 2007

TO: Rebecca A. Humphries, Director

INFORMATION: Natural Resources Commission

Transaction: Parks and Recreation Land Acquisition  
Administrative Consent Judgment  
The Cleveland Cliffs Iron Company – Marquette County  
Land Transaction Case #20070194

Description: Parcels of land and access easement rights in Marquette County, Michigan:  
Ishpeming Township T48N, R27W  
Richmond Township T47N, R26W; T46N, R26W  
Sands Township T47N, R25W; T46N, R25W  
Ely Township T47N, R28W  
City of Ishpeming T47N, R27W  
Tilden Township T46N, R27W; T47N, R28W  
and more particularly described in the exhibits of the Administrative Consent Judgment (ACJ).

Donor: Cleveland Cliffs Iron Company, an Ohio Corporation, Cleveland, Ohio.

Stipulations: As specified in Amendment to ACJ dated November 7, 2006.

Authority: Part 5 of Act 451, Public Acts of 1994, as amended.

Notice: This item will appear on the Department of Natural Resources' (Department) August 6, 2007 Calendar and is eligible for approval on August 13, 2007.

Comments: The offered private parcels are located in Marquette County, Michigan. This conveyance is a condition of a ACJ between Cleveland Cliffs Iron Company (Cliffs) and the Michigan Department of Environmental Quality (DEQ) dated October 26, 1984, and amended on August 4, 1992.

The Judgment recognizes that the Department was the original Plaintiff; however, the DEQ executed the Judgment following creation of that agency in 1995. It was signed by the Director of the DEQ and the Office of the Attorney General in November 2006.

NATURAL RESOURCES COMMISSION  
Keith J. Charters, Chair • Mary Brown • Hurley J. Coleman, Jr. • Darnell Earley • John Madigan • J. R. Richardson • Frank Wheatlake

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The ACJ allowed Cliffs to facilitate long-term maintenance of completed remedial measures addressing mercury contamination in the Deer Lake Impoundment (Deer Lake), provide funding for additional remedial measures, and minimize mercury discharges from the Cliffs Shaft Mine into Carp Creek. The amended ACJ also requires Cliffs to further mitigate mercury-related impacts to Deer Lake by enhancing recreational access to Deer Lake and neighboring waters through conveying certain land and providing public access points to these waters. In exchange the Plaintiffs (Department and DEQ) covenant not to sue Cliffs for any liabilities for Deer Lake and the Cliffs Shaft Mine discharge.

The conveyance of land, access easements, and development funds to the Department consist of the following:

Site 1: 1.80 acres for the development of a 15 car/trailer parking lot and a grant of \$75,000.00 to Parks and Recreation Division (PRD) to construct a new public boating access site in the northwest corner of Deer Lake. [Exhibit U in the ACJ]

Site 2: 1.50 acres for the existing Goose Lake public boating access site and \$50,000.00 to improve the road to the access site. [Exhibit E in the ACJ]

Sites 3 and 4: Site 3 is 3.10 acres; and Site 4 is 0.80-acre for public boating access at Harvey and Powell Lakes. [Exhibits N & O respectively in the ACJ]

Site 5: 1.65 acres for public boating access to the Middle Branch of the Escanaba River just upstream of the Greenwood Reservoir. [Exhibit L in the ACJ]

Site 12: 1.90 acres on Schweitzer Creek at County Road MWC. [Exhibit R in the ACJ]

Site 13: 1.40 acres on the East Branch of the Escanaba River at County Road MM. [Exhibit S in the ACJ]

Site 14: 2.20 acres on the East Branch of the Escanaba River. [Exhibit H in the ACJ]

After mining activities have ceased, conveyance of additional properties to the Department, including:

Site 6: 1.03 acres for access to Greenwood Reservoir downstream of County Road 478. [Exhibit L in the ACJ]

Sites 7, 8 and 9: Site 7 is 2.30 acres; Site 8 is 1.10 acres; and Site 9 is 1.30 acres for access on Lake Sally, Greenwood Reservoir "Afterbay," and Cedar Lake. [Exhibit M, L, & K respectively in the ACJ]

Site 10: 1.40 acres to provide access on Schweitzer Creek at the Empire Tailings Road. [Exhibit Q in the ACJ]

Site 11: 0.9-acre for access to Green Creek at County Road 581. [Exhibit P in the ACJ]

Site 15: Conveyance by Cliffs of development rights restrictions to other Conservation Organizations (not Department) on lands surrounding portions of Deer Lake. [Exhibit G in the ACJ]

Site 16: Legal easements that will provide access across Cliffs' land to State-owned property located in T46N, R25W (Section 19 NE of the NE, and Section 20 NW of the SE), that do not currently have legal access to them. [Exhibit J in the ACJ]

The ACJ requires Cliffs to convey any legal easements that will provide access across Cliffs' land to those sites listed above that require such easements to be legally accessible.

The addition of these access sites and easements will greatly enhance public recreational access to Deer Lake and neighboring waters. Fisheries and PRD field staff have been involved in the evaluation of the offered sites and have indicated their support for accepting them.

- Recommendations:
- (1) That the immediate transfer of the parcels of land, rights in land, and development funds as specified in the ACJ be accepted with appreciation.
  - (2) That the offered parcels be dedicated for use as water access sites and administered by the PRD.

(3) That the development funds specified in the ACJ be accepted for use by the PRD as appropriated.

David E. Freed, Chief  
Land and Facilities

Ronald A. Olson, Chief  
Parks and Recreation

Lynne M. Boyd, Chief  
Forest, Mineral and Fire Management

Kelley D. Smith, Chief  
Fisheries

William E. Moritz, Chief  
Wildlife

Arminda S. Koch  
Resource Management Deputy

Dennis R. Fedewa  
Chief Deputy

I approve the staff recommendations.

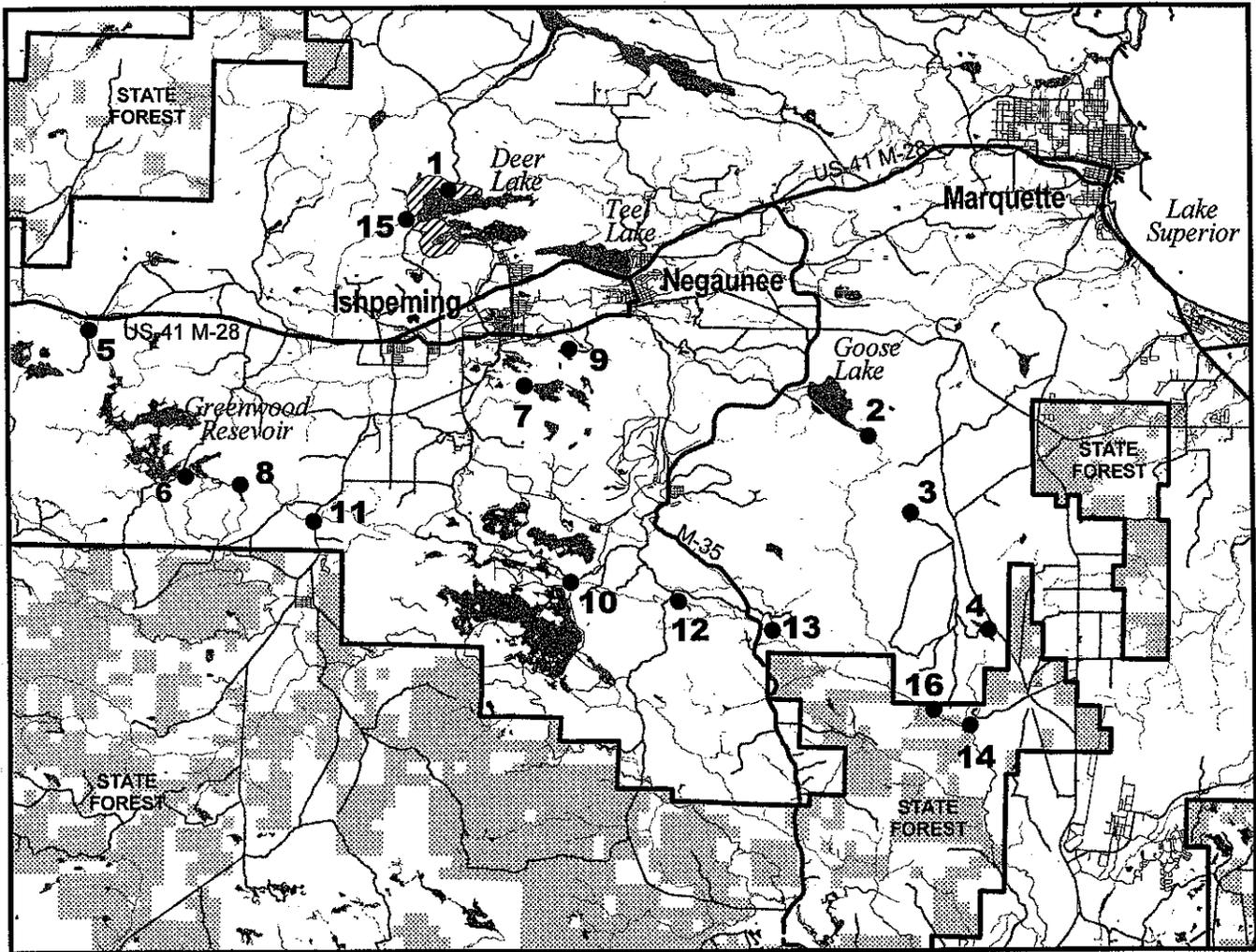
Rebecca A. Humphries  
Director

\_\_\_\_\_  
Date Approved

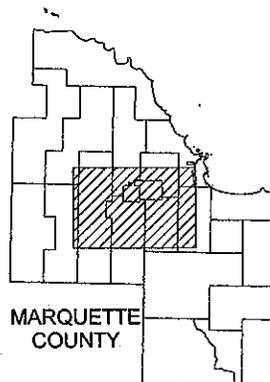
# TRANSFER OF LAND BY ADMINISTRATIVE CONSENT JUDGEMENT

## The Cleveland Cliffs Iron Company - Marquette County

### Land Transaction Case #20070194



- State Forest Boundary
- Site Locations for Parcels of Land and Access Easements
- Development Restrictions
- State Land
- Private Land



**SOURCE**  
 MICHIGAN DEPARTMENT OF NATURAL RESOURCES  
 FOREST, MINERAL AND FIRE MANAGEMENT

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