

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT
INGHAM COUNTY

PLATTE LAKE IMPROVEMENT
ASSOCIATION, a Michigan non-profit
corporation, BIG PLATTE LAKE, a
natural living body of water in the
State of Michigan,

Plaintiffs,

File No. 86-57122-CE

v

HON. THOMAS L. BROWN

MICHIGAN DEPARTMENT OF
NATURAL RESOURCES, an agency of
the State of Michigan; GORDON E.
GUYER, Director of the Michigan
Department of Natural Resources; JOHN
A. SCOTT, Chief of the Fisheries Division,
Michigan Department of Natural
Resources,

Defendants.

Frederick D. Dilley (P26090)
Attorney for Plaintiffs

James L. Stropkai (P24588)
Attorney for Defendants
Michigan Department of Attorney General
Natural Resources and Environmental Quality Division
300 S. Washington Square, Ste. 315
Lansing, MI 48913
(517) 373-7540

STIPULATED ORDER TO AMEND
CONSENT DECREE OF MARCH 10, 2000

At a session of said Court, held in the
Courthouse for the County of Ingham,
Lansing, Michigan, this 6th day
of NOV, 2001.

PRESENT: HON. THOMAS L. BROWN
CIRCUIT COURT JUDGE

The Plaintiffs, Platte Lake Improvement Association (PLIA), and Big Platte Lake, a natural living body of water in the state of Michigan, by their attorney Frederick D. Dilley and Defendant, Michigan Department of Natural Resources (MDNR), Gordon E. Guyer, and John A. Scott by their attorneys Jennifer M. Granholm, Attorney General and James L. Stropkai Assistant Attorney General stipulate and agree to amend the Consent Judgment entered by this Court on March 10, 2000 in accordance with the following recitals, terms and conditions:

The parties pursuant to Section 7 of the Consent Decree desire to modify the frequency of sampling for suspended solids from twice weekly from the three intakes and discharges to once a month from the three intakes and discharges.

NOW THEREFORE, the parties stipulate and agree that:

1. Section 4 (Compliance Maintenance) Paragraph A (iii) of the Consent Decree shall be amended to reduce the frequency of sampling from twice weekly from the three intakes and discharges to once a month.

2. This modification of the frequency for sampling of suspended solids, is based on a detailed review by all parties and the implementation coordinator of the suspended solid data that has been collected since August 2000. This review has shown that suspended solids are discharged from the hatchery in very low concentrations and that their concentrations have no measurable impact on the Platte River, thus the costs and effort expended on the sampling would be much better spent on other monitoring efforts.

3. Section 4 (Compliance Monitoring) paragraph A(ii) be amended as follows:

The MDNR, or its successor(s), shall monitor all Hatchery inflows and outfalls for total phosphorus, temperature and flow to calculate the Hatchery discharge a minimum of twice per week (Tuesdays and Fridays) with triplicate sampling utilizing the Implementation Coordinators recommended sampling techniques, and locations, and shall use an independent laboratory for analysis of samples. Suspended solids sampling shall be monitored at all Hatchery inflows and outfalls a minimum of once per month utilizing the Implementation Coordinators recommended sampling techniques, and locations, and shall use an independent laboratory for analysis of samples. Standard composite samples (24 hour) shall be utilized for the collection of all water samples except where composite sampling is not practical (e.g. due to freezing, etc.) in which case grab sampling may be employed. The sampling shall include all water sources in use, including Brundage Spring whenever it is accessible. The sampling technique employed and other relevant details shall be noted on data sheets, which will become part of the Hatchery permanent record.

The parties, by undersigned counsel,
stipulate to entry of the foregoing order.

BOYDEN, TIMMONS, DILLEY & HANEY

Dated: Nov 1, 2001

By: Frederick D. Dilley
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MICHIGAN DEPARTMENT OF ATTORNEY GENERAL

Dated: 11/06/01

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IT IS SO ORDERED.

THOMAS L. BROWN

A TRUE COPY
CLERK OF THE COURT
30th JUDICIAL CIRCUIT COURT

Hon. Thomas L. Brown