

## Terry Grams

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**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Thursday, January 11, 2024 7:06 AM  
**To:** jbulger@ci.ludington.mi.us; jones201@ci.ludington.mi.us; jterzano@ci.ludington.mi.us; kwinczewski@ci.ludington.mi.us; ljohnson@ci.ludington.mi.us; Mark Barnett; tmay@ci.ludington.mi.us; wcain@ci.ludington.mi.us  
**Cc:** Lois Tomaszewski; 'Rob Alway'  
**Subject:** Deer harvest down in 2023

**Ludington enjoys a significant boost in the local economy resulting from the influx of deer hunters each hunting season. Will this continue if the deer population continues to dwindle?**

**A Ludington area cull certainly will not help to draw hunters to the area and if enough go elsewhere the result could be fewer deer harvested in the Ludington area with a cull than without.**

**The Michigan DNR publishes a lot of information that contradicts their claims that deer culls are useful in managing deer. It takes a lot of work to find the information because this agency proliferates a lot of publications. For example, they continue to claim culls are needed to control deer populations while publishing this "LANSING, Mich. (WJRT) - The Michigan Department of Natural Resources is reporting a significant drop in deer harvest numbers for the 2023 hunting season. Hunters reported taking slightly less than 275,000 deer last fall, which is about 9% less than the more than 300,000 deer culled during the 2022 hunting season". At the same time According to the Michigan Department of Natural Resources, approximately 590,000 people obtained a deer tag in Michigan in 2023, which is 1% more compared to the previous year. So, deer tag sales were up 1% and the harvest was down over 9%. Does this indicate to you that there are more deer?**

[Supporting Ethical Solutions for Deer Management](#)

"The world is a dangerous place to live—not because of the people who are evil, but because of the people who don't do anything about it." Albert Einstein

Peace and grace from  
God the Father and his son  
Our Lord Jesus Christ.

*Terry L. Grams*  
1017 N Beechwood Dr.  
Ludington, MI 49431  
231-843-4914

231-239-0148 (Cell)  
231-425-3637 (Fax)  
[tgrams@chartermi.net](mailto:tgrams@chartermi.net)  
[www.stopthedeercull.org](http://www.stopthedeercull.org)

## Terry Grams

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**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Monday, February 26, 2024 6:23 AM  
**To:** jbulger@ci.ludington.mi.us; jones201@ci.ludington.mi.us; jterzano@ci.ludington.mi.us; kwinczewski@ci.ludington.mi.us; ljohnson@ci.ludington.mi.us; Mark Barnett; tmay@ci.ludington.mi.us; wcain@ci.ludington.mi.us  
**Cc:** Lois Tomaszewski  
**Subject:** Council Meeting  
**Attachments:** Statewide Deer Population.pdf

**I planned to present the attached report at tonight's council meeting, but family health issues prevent me from doing that. Its focus is on the effect statewide or at least county wide deer population has on urban culls. I try to present all the facts fairly and not just those that support my biases against deer culls.**

**I hope you will read it and at least consider it. I am working with another city that has experience with many culls and am hopeful that once I have all the data the information will be useful for Ludington's decision makers. I am somewhat surprised about how cooperative and supportive these other city officials have been. The same holds true for the DNR, at least at the state level.**

**There are so many considerations attached to deer culls or anything else that involves the killing of animals that most of us, at least me, have never considered that are profound. For now, I have not presented this information for your consideration because I am contributing enough with just cull specific data.**

**An example of this is an article I read written by a USDA cull sharpshooter expressing his concern about the shooting in urban areas. He and his fellow shooters all share the concern over the possibility of ricocheting. He uses special ammunition to mitigate this possibility even though it might reduce the effectiveness of the projectile for killing the deer. It was not clear if all the shooters use this ammunition or just him.**

**The considerations are endless and to my view are all more consequential than a few flowers being eaten.**

[Supporting Ethical Solutions for Deer Management](#)

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## Terry Grams

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**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Friday, December 15, 2023 3:57 PM  
**To:** jbulger@ci.ludington.mi.us; jones201@ci.ludington.mi.us; jterzano@ci.ludington.mi.us; kwinczewski@ci.ludington.mi.us; ljohnson@ci.ludington.mi.us; Mark Barnett; tmay@ci.ludington.mi.us; wcain@ci.ludington.mi.us  
**Subject:** Desecration of Cemeteries

**Shooting and killing deer in a public cemetery constitutes desecration in many cultures and societies. Public cemeteries are considered sacred and are meant for the respectful and peaceful remembrance of the deceased. Engaging in activities like hunting or shooting in such places may be viewed as disrespectful and inappropriate. Desecration typically involves violating the sanctity or reverence of a sacred place, and many people would argue that hunting in a cemetery falls into this category. Deer Culls are hunting regardless of what the DNR calls them.**

**Our forefathers made it illegal to do this in Lakeview cemetery but the current council with a new ordinance that overrides any conflict created by earlier ordinances showed not only their disrespect for the person and families of those buried in Lakeview cemetery but also for their predecessors on the city council. I hope this council has the good judgement to remove Lakeview cemetery from any approved cull areas. I do not know what the Catholic Church's position is on this for Pere Marquette cemetery but with family members buried there as well as Lakeview cemetery I find it appalling that killing any animal would be allowed in either.**

**Moreover, hunting or shooting in public areas, including cemeteries, may raise safety concerns and pose a risk to people who may be visiting the cemetery to mourn their loved ones.**

**From a legal perspective, many jurisdictions have laws against discharging firearms in public spaces or within certain distances of buildings, which would likely include cemeteries. Violating these laws can result in legal consequences. We have this law in Michigan, but the DNR ignores it, and it appears that Ludington officials will also.**

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## Terry Grams

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**From:** John Terzano <jterzano@ci.ludington.mi.us>  
**Sent:** Friday, October 13, 2023 3:27 PM  
**To:** Terry Grams  
**Subject:** Re: Deer Count

Thank you, Terry. I will let Ted know.

John

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**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Friday, October 13, 2023 12:25 PM  
**To:** John Terzano <jterzano@ci.ludington.mi.us>  
**Subject:** RE: Deer Count

**John**

**Ted may want to contact Capt. Rick Yonker of the Grand Haven Department of Public Safety as he is the one that conducted the study.**

**You can read the report here:**

**[https://www.mlive.com/news/muskegon/2008/12/urban\\_deer\\_cull\\_unlikely\\_in\\_gr.ht ml](https://www.mlive.com/news/muskegon/2008/12/urban_deer_cull_unlikely_in_gr.ht ml)**

**Another possible source for the project would be Monroe Infrared Technology. They are located in Colorado but may be able to recommend Michigan based firms.**

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**From:** John Terzano <jterzano@ci.ludington.mi.us>  
**Sent:** Friday, October 13, 2023 10:26 AM  
**To:** Terry Grams <tgrams@chartermi.net>  
**Subject:** Re: Deer Count

Terry,

Thank you for the info. I will pass it along. I believe Councilor May was going to get in touch with Grand Haven officials as well.

John

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**From:** Terry Grams <[tgrams@chartermi.net](mailto:tgrams@chartermi.net)>  
**Sent:** Thursday, October 12, 2023 6:01 AM  
**To:** John Terzano <[jterzano@ci.ludington.mi.us](mailto:jterzano@ci.ludington.mi.us)>  
**Subject:** Deer Count

**John**

**If the city goes forward with a flyover infrared count it is important they get someone who knows what they are doing otherwise they could get a bad count. Like everything else in life it looks easier than it is.**

**There are a couple of firms in Michigan that look good, at least on paper.**

- 1. Great Lakes Drone Company, LLC Matthew Quinn Owner, CEO. He just returned from doing Bear counts with Alaska Fish & Game in Kodiak two weeks ago.**
- 2. Aerial Thermal Imaging Eric Olsen**

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## Terry Grams

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**From:** Cheri Stibitz <cstibitz@ci.ludington.mi.us>  
**Sent:** Saturday, October 21, 2023 11:32 AM  
**To:** Terry Grams  
**Subject:** Re: cull

So perhaps you should consult the current agenda for the city Council meeting. City Council has not voted on anything. Public safety doesn't vote on anything they agree, or disagree to bring things to council.

Cheri

Sent from my iPhone

On Oct 21, 2023, at 10:42 AM, Terry Grams <tgrams@chartermi.net> wrote:

**It is in the minutes of the October 10<sup>th</sup> Public Safety Committee meeting.**

<https://ludingtoncitymi.documents-on-demand.com/?l=8bfb514b230ce81180bf001fbc00ed85&d=df9ee4848d6eee11a3da000c29a59557>

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**From:** Cheri Stibitz <cstibitz@ci.ludington.mi.us>  
**Sent:** Saturday, October 21, 2023 10:24 AM

To: Terry Grams <tgrams@chartermi.net>

Subject: Re: cull

I'm not sure where you're getting your information that states the city Council voted to accept a deer cull? So if you could please elaborate on that that would be helpful.

Cheri messages

Sent from my iPhone

On Oct 21, 2023, at 10:19 AM, Terry Grams <[tgrams@chartermi.net](mailto:tgrams@chartermi.net)> wrote:

<image001.gif>

**I was very disappointed to read in the Public Safety minutes that the council voted to budget a deer cull over the next three years. This appears to be based on misleading and hypothetical statements that are at best misleading.**

**The council might just as well stand at the end of the north break wall and throw our taxpayer money into Lake Michigan. There are so many worthwhile projects Ludington should be doing instead of a useless cull.**

**My job will be to make sure that everyone knows about this and that the two thirds of Ludington residents that are against the cull know that their council person could care less about what they think.**

**The council seems intent on ignoring the positive aspects that the deer bring to the community like that acknowledged by Chief Jones "Chief Jones reported there have been a few car/deer accidents on Lakeshore Drive. People have adjusted and are more cautious because of the number of deer in town. The deer have adjusted as well. It is different in town than in the outlying areas". It seems that saving a flower is more important than saving a child.**

**The council accepts arguments about Lyme disease and CWD that are completely bogus as data published by the CDC, WHO and even the DNR prove.**

**This statement by the mayor “Mayor Barnett stated if we have coyotes in town, it means we have lots of deer in town. Particularly on the north end. Residents can’t have plants as the deer eat everything they plant. Deer are becoming more aggressive, they are going after and attacking dogs” This entire quote is ridiculous and amounts to nothing more than hearsay and speculation. I would like to see proof of any of this. When I asked for photos I was told there are none.**

**The real problem is that some people are just too lazy to take the steps necessary to protect their own plantings and want me and other taxpayers that are against the cull to pay for what they will not pay for themselves.**

**I live about ½ a block from Bryant woods, and I do not lose plantings to deer and frankly do not see enough deer to indicate the speculation that there are over 300 deer in Ludington is accurate.**

**It is too expensive to get an accurate count of the deer but not too expensive to pay for a cull of deer that may not even exit in the city. This is convoluted thinking if I have ever seen it.**

**When this cull fails to produce the results expected I will make it my responsibility to inform Ludington residents about how their elected representatives wasted their money, despite having been warned about the ineffectiveness of culls.**

**Having anyone firing high powered rifles in and around the city is insane at best if not criminal. If something goes wrong the city council will bear that responsibility.**

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**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Tuesday, November 7, 2023 6:04 AM  
**To:** 'Cheri Stibitz'  
**Subject:** RE: cull

**Cheri**

**I know very little about the contributors to the torch or Facebook for that matter. I receive a couple of emails suggesting I check out the comments on both.**

**I would have no way to know where the contributors live. From a mathematical perspective it is reasonable to assume that fourth ward residents would have the same divergence of opinion as those that post comments about the deer cull. While you are elected by forth ward residents your vote on many issues impacts all of Ludington's residents so I would argue that to that extent you represent all of us.**

**It is likely that some forth ward voters will be influenced by these posts even if they do not contribute themselves. I listen to pro cull persons complaining about the deer on Jebovy Drive and wonder what that has to do with deer in the city. None the less those comments probably had an influence on councilpersons vote on the cull.**

**I am against the cull because it is morally wrong, will not work, cost too much money, and is supported by false and misleading information, not only by the mayor but by the DNR and USDA as well. Like most things, when you come down to it, it is about money. Both by those being paid and by the residents that will not spend anything to protect their property. If the deer are really such a serious problem and the DNR is responsible for their "management" why do we have to pay them over and above our taxes to do their job?**

**I am offended that the DNR and USDA can ignore the "NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT Act 451 of 1994 - (7). I know they do this because if they had to comply there would be very few if any culls conducted in Michigan resulting in a large revenue loss for them. When the government breaks the law with impunity it sets a terrible example. Sooner or later something tragic will result from these culls. We are inviting strangers into our community who will be engaged in a dangerous activity that is illegal for me and for you. We are told that they are sharpshooters, but they are never identified so we are left**

**taking the word of others who do not live here and could care less about us. And then, of course The government has such a sterling record of being truthful.**

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**From:** Cheri Stibitz <cstibitz@ci.ludington.mi.us>  
**Sent:** Monday, November 6, 2023 9:11 PM  
**To:** Terry Grams <tgrams@chartermi.net>  
**Subject:** Re: cull

Are the people that are using the Ludington torch all City Of Ludington residence and do they live in the fourth ward because that's the word that I am representing.

Cheri  
Sent from my iPhone

On Nov 6, 2023, at 6:57 AM, Terry Grams <[tgrams@chartermi.net](mailto:tgrams@chartermi.net)> wrote:

**Cherie**

**There are hundreds of comments on Facebook about the deer cull. They are overwhelmingly against the cull. Many ridicule the mayor's claim of over 300 deer in the city and the 100 deer per square mile comment.**

**If you care about representing most citizens of Ludington, rather than listening to the hysterical claims of a vocal few, you should read these comments.**

**Maybe you should consider Chief Jones's statement from the October 10th Public Safety committee meeting that the deer in the city make drivers more cautious.**

**You should also review the comments on [Ludington Torch](#).**

**The struggle against the deer cull and the risk it represents to Ludington citizens' safety will never end.**

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## Terry Grams

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**From:** Ross Hammersley <ross@envlaw.com>  
**Sent:** Friday, April 12, 2024 6:29 PM  
**To:** Terry Grams  
**Cc:** Karla Gerds  
**Subject:** RE: Motion - Response to Affirmative Defense - Proof of Service - and Exhibits

Thank you for your response below Mr. Grams.

Since I am the legal representative of the City, and not you, there is a limit to the extent I can provide you any advice or assistance in determining your responsibilities under the Court Rules in this case; this holds true for the Court, who can only provide limited guidance to you under these circumstances.

That said, for your information, the timing information relative to Initial Disclosures is found under MCR 2.302(A)(5). The rule does apply to both parties, but you as the Plaintiff are required to provide your disclosures first (within 14 days of the filing of the answer, as I indicated in my message below), and the Defendant City is required to provide them 14 days after that.

In terms of the discovery request you already submitted seeking certain documents, etc., Rule 2.301(A)(1) provides that you may seek discovery only after you serve your initial disclosures upon the Defendant under MCR 2.302(A). As a result, while there is normally a 28-day response time for responding to Requests for Production of Documents (which is basically what you submitted), that time frame cannot start running (because you are not authorized to seek discovery) until you have first complied with MCR 2.302(A).

To the extent you are finding contradictory information on-line, I would recommend relying solely on the Michigan Courts' websites, specifically their Michigan Court Rules site accessible here: [https://www.courts.michigan.gov/siteassets/rules-instructions-administrative-orders/michigan-court-rules/michigan-court-rules-responsive-html5.zip/index.html#t=Michigan\\_Court\\_Rules%2FUpdated%2FUpdated.htm](https://www.courts.michigan.gov/siteassets/rules-instructions-administrative-orders/michigan-court-rules/michigan-court-rules-responsive-html5.zip/index.html#t=Michigan_Court_Rules%2FUpdated%2FUpdated.htm) If you are reading it on a computer screen, there should be an index on the left side that allows you access to the various chapters and provisions of the court rules. As you will likely come to understand upon further review of the court rules, you are correct in that you did not need to file a response to our affirmative defenses, or to our answer; your response to the motion for summary is not due until shortly before the hearing date, which again is scheduled for June 13, 2024 at 2:30 pm.

I hope this information proves helpful – again, my apologies that I cannot provide additional assistance.

Sincerely,  
r

**Ross A. Hammersley**  
Olson & Howard, P.C.  
[ross@envlaw.com](mailto:ross@envlaw.com)  
[www.envlaw.com](http://www.envlaw.com)  
Office: (231) 946-0044  
Direct Dial: (231) 714-0461

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**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Friday, April 12, 2024 6:21 AM  
**To:** Ross Hammersley <ross@envlaw.com>  
**Subject:** RE: Motion - Response to Affirmative Defense - Proof of Service - and Exhibits

**Dear Mr. Hammersley**

**Thank you for bringing this to my attention, I appreciate your candor.**

**I was aware of the rule, but did not fully understand it, as I discovered it when researching my responsibility to respond to your Verified Response. The Michigan Court Rules while stating the necessity of *Initial Disclosure* does not state any time frame. At least not that I could find.**

**As I understand the rule it applies to both parties so I was waiting for your initial disclosure to have an example of what would be required of me.**

**When I sent an earlier request to you for disclosure I was told I did not have to file that with the clerk and would have to wait, I believe about thirty days before I could file a demand for disclosure. At that time, I was not aware of the *Initial Disclosure* requirement.**

**Because Mason County does not maintain a law library it is difficult for me to be sure of our local court rules and what I read online sometime appears to be contradictory.**

**I intend to comply, to the best of my ability, to everything required of me by the law, while doing my best to respect your and the Court's time by not filing nonessential pleadings.**

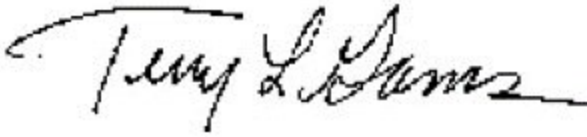
**I believed that I had twenty-one days to file my motion in response to your motion and that a response to your Affirmative Defense was not even required. With the scheduled hearing being over two months away I thought I was providing more than adequate time for the defense.**

**I do not have the skills or desire to be devious in this endeavor, my only desire is a result that is in the best interest of Ludington and Cartier Park.**

[Supporting Ethical Solutions for Deer Management](#)

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**From:** Ross Hammersley <[ross@envlaw.com](mailto:ross@envlaw.com)>

**Sent:** Thursday, April 11, 2024 5:20 PM

**To:** Terry Grams <[tgrams@chartermi.net](mailto:tgrams@chartermi.net)>

**Cc:** Karla Gerds <[karla@envlaw.com](mailto:karla@envlaw.com)>

**Subject:** RE: Motion - Response to Affirmative Defense - Proof of Service - and Exhibits

Good afternoon Mr. Grams –

This message has two purposes: First, I am acknowledging receipt of the three documents and proof of service attached to your email below.

Second, I need to draw your attention to Court Rule 2.302 (you can access the rule on-line at this link:

[https://www.courts.michigan.gov/siteassets/rules-instructions-administrative-orders/michigan-court-rules/court-rules-book-ch-2-responsive-html5.zip/Court\\_Rules\\_Book\\_Ch\\_2/Court\\_Rules\\_Chapter\\_2/Court\\_Rules\\_Chapter\\_2.htm?rhtocid=5\\_1#1002841bc-45](https://www.courts.michigan.gov/siteassets/rules-instructions-administrative-orders/michigan-court-rules/court-rules-book-ch-2-responsive-html5.zip/Court_Rules_Book_Ch_2/Court_Rules_Chapter_2/Court_Rules_Chapter_2.htm?rhtocid=5_1#1002841bc-45)).

As you will see, under this rule (specifically, MCR 2.302(A)) you as the Plaintiff were required to file the “Required Initial Disclosures”; those disclosures are required to contain all of the information listed in MCR 2.302(A)(1)(a) through (h). Based on the timing requirements set forth in the rule (MCR 2.302(A)(5)), the deadline for you to do so would have been two days ago on Tuesday (14 days after the City’s Answer was filed with the Court).

I imagine this may not be a requirement that you were previously aware of, so if this is the first time you are learning of it please let me know. If you were/are already aware of the requirement and simply do not intend to file such disclosures, please let me know that as well.

Thank you,

r

**Ross A. Hammersley**

Olson & Howard, P.C.

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Office: (231) 946-0044

Direct Dial: (231) 714-0461

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**From:** Terry Grams <[tgrams@chartermi.net](mailto:tgrams@chartermi.net)>

**Sent:** Thursday, April 11, 2024 9:51 AM

To: Ross Hammersley <[ross@envlaw.com](mailto:ross@envlaw.com)>

Subject: Motion - Response to Affirmative Defense - Proof of Service - and Exhibits

**Dear Mr. Hammersley**

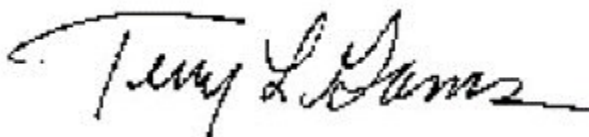
**Attached please find the following:**

- 1. My response to the Defense's Affirmative Answers**
- 2. Motion in Opposition to Defendant's Motion for Summary Disposition of Plaintiff's complaint and Preliminary Injunction.**
- 3. Exhibits**
- 4. Proof of service**

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## Terry Grams

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**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Thursday, February 1, 2024 5:40 AM  
**To:** dwarwick@fishbeck.com  
**Subject:** Ludington Area Contamination Testing  
**Attachments:** EGLE 231.docx; response to council person Winczewski.docx; Interconnected Impacts of Chemical Contamination of Groundwater.docx

**David B. Warwick**  
**Vice President/Senior Hydrogeologist**

**Mitch Foster, the Ludington City Manager told me that Fishbeck Engineering may be conducting surface contamination test for trichloroethylene (TCE), hexavalent chromium, cyanide, and possibly other chemical contaminants on the northwest side of Ludington.**

**I believe these tests are the results of the concerns I expressed to the city council in several communications because of their plan to kill deer in the Cartier Park area and then distribute the venison for human consumption. I am attaching Microsoft Word copies of some of these documents for your information.**

**Being that the test may be conducted in the winter months I am concerned about the testing of vegetation or lack thereof. I also believe the water and sediment from Lincoln Lake should be tested as the lake borders the entire north side of the park and is a primary water source for wildlife in the area.**

**I am concerned that should significant contamination be found that the responsibility for the clean up would be the city's responsibility. Two of the three companies responsible for the contamination are out of business and I doubt the remaining one could handle the costs. Should you contract with Ludington to do this testing I would appreciate your advising Mr. Foster regarding any potential financial risk to the city should contamination be found.**

[Supporting Ethical Solutions for Deer Management](#)

**"The world is a dangerous place to live—not because of the people who are evil, but because of the people who don't do anything about it." Albert Einstein**

Peace and grace from  
God the Father and his son  
Our Lord Jesus Christ.

*Terry L. Grams*

1017 N Beechwood Dr.  
Ludington, MI 49431  
231-843-4914  
231-239-0148 (Cell)

231-425-3637 (Fax)

[tgrams@chartermi.net](mailto:tgrams@chartermi.net)

[www.stophedeercull.org](http://www.stophedeercull.org)

## Terry Grams

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**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Tuesday, February 6, 2024 4:12 PM  
**To:** Michigan DNR FOIA  
**Subject:** FW: Damage and Nuisance Animal Control Permit from the Department of Natural Resources (DNR).

## Kelly Hamilton DNR FOIA

Mich Foster the Ludington City Manager claims to have a cull permit so you may want to check to see why it is not in your records

---

**From:** Mitch Foster <mfoster@ci.ludington.mi.us>  
**Sent:** Tuesday, February 6, 2024 4:01 PM  
**To:** Terry Grams <tgrams@chartermi.net>  
**Subject:** RE: Damage and Nuisance Animal Control Permit from the Department of Natural Resources (DNR).

No I do not need that Terry. I have a permit from the DNR to permit the removal program that was issued to the City.

Mitch

Mitchell W. Foster, MPA, ICMA-CM  
City Manager  
City of Ludington  
(231) 845-6237  
[mfoster@ci.ludington.mi.us](mailto:mfoster@ci.ludington.mi.us)

**P.S. Don't forget to #WashYourHandsAndShopLocal**



---

**From:** Terry Grams <[tgrams@chartermi.net](mailto:tgrams@chartermi.net)>  
**Sent:** Tuesday, February 6, 2024 3:52 PM  
**To:** Mitch Foster <[mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)>  
**Subject:** RE: Damage and Nuisance Animal Control Permit from the Department of Natural Resources (DNR).

**Would you like a copy of the FOIA response and associated emails regarding this?**

[Supporting Ethical Solutions for Deer Management](#)

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[www.stophedeercull.org](http://www.stophedeercull.org)

---

**From:** Mitch Foster <[mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)>  
**Sent:** Tuesday, February 6, 2024 3:34 PM  
**To:** Terry Grams <[tgrams@chartermi.net](mailto:tgrams@chartermi.net)>  
**Cc:** Mark Barnett <[mayor@ci.ludington.mi.us](mailto:mayor@ci.ludington.mi.us)>; [ross@envlaw.com](mailto:ross@envlaw.com)  
**Subject:** RE: Damage and Nuisance Animal Control Permit from the Department of Natural Resources (DNR).

This is incorrect Terry.

Appreciate the concern.

Mitch

Mitchell W. Foster, MPA, ICMA-CM  
City Manager  
City of Ludington  
(231) 845-6237  
[mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)

**P.S. Don't forget to #WashYourHandsAndShopLocal**



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**From:** Terry Grams <[tgrams@chartermi.net](mailto:tgrams@chartermi.net)>  
**Sent:** Tuesday, February 6, 2024 5:05 AM  
**To:** Mitch Foster <[mfoster@ci.ludington.mi.us](mailto:mfoster@ci.ludington.mi.us)>  
**Subject:** Damage and Nuisance Animal Control Permit from the Department of Natural Resources (DNR).

**Mitch**

**As the result of a FOIA request to the DNR regarding municipal culls being conducted in Michigan in 2024 I learned that, according to the DNR, Ludington has no permit of any type for deer to be taken in a cull for 2024.**

**I have double checked this with the DNR to be sure this is not an oversight and talked to DNR Wildlife Biologist for Mason County, Vern Richardson yesterday. Mr. Richardson appeared to be unaware of this and told me he would have to investigate to find out more about this. I understand that my being opposed to the cull may result in others being suspicious of my motives, but I am more pro Ludington than anti cull.**

**You might want to investigate this yourself.**

**As expressed in my earlier email to you regarding the surface testing, I would be reluctant to depend on test conducted by or on behalf of the contaminators. If I correctly recall, Kathy Winczewski told me that surface tests were never done and that the tests that were done were in the immediate vicinity of the companies doing the polluting. Depending on when and where tests were conducted, the methodology employed and who did the tests the results may not be reliable to determine the extent of contamination in the Cartier Park/Bryant Woods area now.**

**Based on what I have learned Fishbeck Engineering would be a much more reliable testing source and if anything should go wrong their report would most likely better protect the city from liability.**

Supporting Ethical Solutions for Deer Management

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*Terry L. Grams*

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[tgrams@chartermi.net](mailto:tgrams@chartermi.net)

[www.stopthedeercull.org](http://www.stopthedeercull.org)

## Terry Grams

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**From:** Michigan DNR FOIA <michigandnr@govqa.us>  
**Sent:** Tuesday, January 30, 2024 4:06 PM  
**To:** tgrams@chartermi.net  
**Subject:** [Records Center] FOIA Request :: N002103-011124

--- Please respond above this line ---



---

Mr. Grams,

I confirmed with staff Ludington is not currently on this list and was not left off by mistake. If you would like to discuss the status of Ludington's 2024 deer cull permit application, my understanding is that you can reach out to the local DNR Wildlife Biologist for Mason County, which is Vern Richardson. His phone number is 231-775-9727 ext. 6031.

I hope this additional information and contact is helpful.

Thank you,

Kelly Hamilton  
DNR FOIA

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To monitor the progress or update this request please log into the [Michigan Department of Natural Resources](#)

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## Terry Grams

---

**From:** Michigan DNR FOIA <michigandnr@govqa.us>  
**Sent:** Tuesday, January 30, 2024 4:06 PM  
**To:** tgrams@chartermi.net  
**Subject:** [Records Center] FOIA Request :: N002103-011124

--- Please respond above this line ---



---

Mr. Grams,

I confirmed with staff Ludington is not currently on this list and was not left off by mistake. If you would like to discuss the status of Ludington's 2024 deer cull permit application, my understanding is that you can reach out to the local DNR Wildlife Biologist for Mason County, which is Vern Richardson. His phone number is 231-775-9727 ext. 6031.

I hope this additional information and contact is helpful.

Thank you,

Kelly Hamilton

DNR FOIA

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To monitor the progress or update this request please log into the [Michigan Department of Natural Resources](#)

## Terry Grams

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**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Tuesday, February 13, 2024 11:10 AM  
**To:** Michigan DNR FOIA  
**Subject:** FOIA Records

**Yes I would appreciate a complete copy and associated emails.**

**FOIA Request 6 days ago**

**N002152-020624**

**This request us related to [Records Center] FOIA Request :: N002103-011124 Mr. Grams, I confirmed with staff Ludington is not currently on this list and was not left off by mistake. If you would like to discuss the status of Ludington's 2024 deer cull permit application, my understanding is that you can reach out to the local DNR Wildlife Biologist for Mason County, which is Vern Richardson. His phone number is 231-775-9727 ext. 6031. I hope this additional information and contact is helpful. Thank you, Kelly Hamilton DNR FOIA The following is the response from Ludington City Manager Mitch Foster: From: Mitch Foster Sent: Tuesday, February 6, 2024 4:01 PM To: Terry Grams Subject: RE: Damage and Nuisance Animal Control Permit from the Department of Natural Resources (DNR). No I do not need that Terry. I have a permit from the DNR to permit the removal program that was issued to the City. Mitch Mitchell W. Foster, MPA, ICMA-CM City Manager City of Ludington (231) 845-6237 mfoster@ci.ludington.mi.us P.S. Don't forget to #WashYourHandsAndShopLocal From: Terry Grams Sent: Tuesday, February 6, 2024 3:52 PM To: Mitch Foster Subject: RE: Damage and Nuisance Animal Control Permit from the Department of Natural Resources (DNR). Would you like a copy of the FOIA response and associated emails regarding this? Status : Grant in Full**

[Supporting Ethical Solutions for Deer Management](#)

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*Terry L. Grams*

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[tgrams@chartermi.net](mailto:tgrams@chartermi.net)  
[www.stopthedeercull.org](http://www.stopthedeercull.org)

## Terry Grams

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**From:** Michigan DNR FOIA <michigandnr@govqa.us>  
**Sent:** Wednesday, March 13, 2024 11:07 AM  
**To:** tgrams@chartermi.net  
**Subject:** [Records Center] FOIA Request :: N002187-022324

--- Please respond above this line ---



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March 13, 2024

Reference Number: N002187-022324

Terry Grams  
1017 N Beechwood Dr  
Ludington, MI 49431

Dear Mr. Grams:

This notice is issued in response to your 2/23/2024 request for information, under the Freedom of Information Act (FOIA), MCL 15.231 et seq, received by the Michigan Department of Natural Resources (DNR) on 2/26/2024. The DNR is in receipt of your full payment for this FOIA request. On 3/13/2024, correspondence was sent advising of the partial denial and noted the applicable

exemptions.

Responsive records can be downloaded in the DNR FOIA Request Center. If you have any downloading problems, please make sure your Internet browser does not have a pop-up blocker preventing the download. DNR states that, to the best of its knowledge, information, and belief, the records provided in the DNR FOIA Request Center, represent all information in DNR's possession responsive to your request.

If you have questions concerning this matter, please access your online account and reply to the message found there. The DNR's FOIA Policy and Procedures, as well as its summary can be found at: [www.michigan.gov/dnrfoia](http://www.michigan.gov/dnrfoia).

Kind regards,

DNR FOIA

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To monitor the progress or update this request please log into the [Michigan Department of Natural Resources](#)

## Terry Grams

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**From:** Michigan DNR FOIA <michigandnr@govqa.us>  
**Sent:** Monday, April 1, 2024 8:05 AM  
**To:** tgrams@chartermi.net  
**Subject:** Confirmation of FOIA Request:: N002261-033024

Dear Terry Grams:

Thank you for your interest in public records of the Michigan Department of Natural Resources (DNR). Your request dated 4/1/2024 given the reference number N002261-033024 for tracking purposes.

**Records Requested:** "The Michigan Department of Natural Resources (DNR) is required to conduct an investigation or assessment to determine the need for a deer cull before issuing permits for the same. The decision to conduct a deer cull is usually based on factors such as population size, ecological impact, and public safety concerns related to deer overpopulation. The DNR would assess various data sources, including deer population surveys, ecological studies, and reports of deer-human conflicts, to determine if a cull is warranted in a particular area. Please provide documentation of such studies made for the Cartier Park area in Ludington Michigan for the years 2023 and/or 2024. Please provide the Michigan regulation, law, or statute that is the authority for said studies."

In accordance with the Michigan Freedom of Information Act (FOIA), MCL 15.231 *et seq*, the DNR gives citizens the right of access to most public records. Records which are exempt from disclosure under the FOIA may be withheld. In addition FOIA does not require governmental bodies to create new records or answer questions; a request must ask for records or information already in existence.

The DNR will respond to your request within five business days. If necessary, the DNR may issue a notice extending for no more than 10 additional business days the time it has to respond to your request.

You may monitor the progress of your request at the link below and will receive an email when your request has been completed.

[FOIA Request Center](#)

Michigan Department of Natural Resources





## Terry Grams

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**From:** Michigan DNR FOIA <michigandnr@govqa.us>  
**Sent:** Monday, April 8, 2024 3:39 PM  
**To:** tgrams@chartermi.net  
**Subject:** [Records Center] FOIA Request :: N002261-033024

--- Please respond above this line ---

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April 08, 2024

Reference Number: N002261-033024

Terry Grams  
1017 N Beechwood Dr  
Ludington, MI 49431

Dear Mr. Grams:

This notice is issued in response to your 3/30/2024 request for information, received by the Michigan Department of Natural Resources (DNR) on 4/1/2024 under the Freedom of Information Act (FOIA), MCL 15.231 *et seq.* You have requested information that you describe as:

The Michigan Department of Natural Resources (DNR) is required to conduct an investigation or assessment to determine the need for a deer cull before issuing permits for the same. The decision to conduct a deer cull is usually based on factors such as population size, ecological impact, and public safety concerns related to deer overpopulation. The DNR would assess various data sources, including deer population surveys, ecological studies, and reports of deer-human conflicts, to determine if a cull is warranted in a particular area. Please provide documentation of such studies made for the Cartier Park area in Ludington Michigan for the years 2023 and/or 2024. Please provide the Michigan regulation, law, or statute that is the authority for said studies.

Your 3/30/2024 FOIA request is denied.

The purpose of the FOIA is to provide the public with access to existing, nonexempt public records of public bodies. After a search, to the best of this public body's knowledge, information, and belief, the public record(s) do not exist as described by you, or by another name or description reasonably known to the public body; therefore, your request to examine or receive a copy of the documents described above is denied.

The DNR is obligated to inform you that, under section 10 of the FOIA, the following remedies are available to appeal a final agency decision denying your request by:

- 1) Appealing this decision in writing to Director M. Scott Bowen, P.O. Box 30028, Lansing, MI 48909-7528. The writing must specifically state the word "appeal" and must identify the reason or reasons you believe the denial determination should be reversed. The head of the department, or his designee, must respond to your appeal within 10 days of its receipt. Under unusual circumstances, the time for response to your appeal may be extended by 10 business days.
- 2) File an action in the court of claims within 180 days after the date of the final determination to deny the request. If you prevail in such an action, the court is to award reasonable attorney fees, costs, disbursements, and possible damages.

The Department's FOIA Policy and Procedures, as well as its summary can be found at: [www.michigan.gov/dnrfoia](http://www.michigan.gov/dnrfoia).

Kind regards,

DNR FOIA

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To monitor the progress or update this request please log into the [Michigan Department of Natural Resources](http://Michigan Department of Natural Resources)

- Coyote hunting and trapping seasons are available statewide. Details on season dates and bag limits can be found in the [Fur Harvester Digest](#).
- If problems exist outside regular hunting or trapping seasons, coyotes can be killed without a license on private land by the landowner or a designee if the coyote is doing or about to do damage to private property, pets, livestock, or humans.
- In some areas, hunting or trapping may not be allowed for certain reasons. In this case, specially permitted nuisance control companies can be hired to assist landowners in the safe removal of problem animals.
- If coyote depredation on livestock becomes a problem, please call or text 1-800-292-7800, 24-hours a day, 7 days a week.

## Resources

- [Coyote SMART Brochure](#)
  - [Coyote SMART Brochure accessible](#)
- 

## Deer

White-tailed deer are found in every county in Michigan and can easily adapt to their surroundings. Deer can be found in just about every habitat type, including both urban and suburban areas.

In urban and suburban areas, white-tailed deer will take advantage of gardens and landscaping for food. They may even try to feed from bird feeders. By removing potential food sources and protecting gardens with fencing, deer may move to other areas for food. **Never intentionally feed or try to tame a white-tailed deer.**

## Prevention and control tips

- Do not intentionally feed deer.
  - Remove or modify bird feeders to prevent deer from accessing the food.
  - Construct fences or put wiring around gardens or individual plants to protect from damage.
  - Use scare tactics to frighten deer away.
  - Try repellents or modify landscaping. Use plants that are less likely to be eaten by deer.
- [MSU Extension: Smart gardening to deter deer](#)

- [MSU Extension: Deer-resistant plants for homeowners](#)
- Leave fawns in the wild; it is not unusual to find a fawn on its own.

Hunting is one option communities may use to help reduce deer populations in their area. If hunting is not currently an option in your area, try some non-lethal deterrent methods to discourage deer. Deterrent methods are generally a short-term solution to solve issues, but they usually aren't effective long-term. Examples of deterrents include fencing to keep deer out of a specific area, using noise and visual scare tactics, applying taste deterrents to ornamental plants, removing feed and making bird feeders inaccessible to deer.

Deer may be aggressive towards pets, particularly dogs, that they view as a predator/threat. If a deer is acting aggressive or attacking a pet, use scare tactics to frighten the deer away and bring the pet indoors until the deer has left the area. Accompany your pet outdoors and keep it on a leash.

The [local DNR office](#) can be contacted if there is an aggressive white-tailed deer causing a public safety risk, a sick deer, [agricultural or horticultural damage](#), or for additional prevention and control options.

## Resources

- [Deer SMART Brochure](#)
- [Deer SMART Brochure \(Accessible\)](#)

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## Ducks

### Duck Nests

- While it may not seem like an ideal location, urban and suburban yards are actually safe places for mother mallards to nest.
- If you have a mallard nesting in your shrubs or gardens, simply leave her in peace and enjoy watching your wild neighbor.
- Keep dogs, cats and kids away from the nest, as birds, their nests and eggs are protected by federal law and must be left alone.
- She'll be a very quiet neighbor, and if the nest fails on its own - something that happens regularly - just wish her luck on her next attempt.

## Terry Grams

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**From:** EGLE FOIA Request Center <michiganegle@govqa.us>  
**Sent:** Monday, December 11, 2023 8:06 AM  
**To:** tgrams@chartermi.net  
**Subject:** Confirmation of FOIA Request:: E404076-120823

Mr. Grams:

Thank you for your interest in public records of the Department of Environment, Great Lakes, and Energy (EGLE). Your request, legally received on 12/11/2023, has been assigned reference number E404076-120823 for tracking purposes.

**Description of Record(s) Requested:** "Tests and treatments related the five plumes containing the hazardous chemicals \*\*trichloroethylene, hexavalent chromium, and cyanide that are flowing in the groundwater underneath Ludington's north side, remnants of metal plating operations from the past at Ludington Plating, Handy Things, and Straits Steel & Wire Co. including test of surface water, soil and vegetation for the same or other chemical contamination in the same area."

**Address of Requested Site:** 1254 N Lakeshore Dr Cartier Park, Ludington

EGLE will respond to a request within 5 business days. If necessary, the Department may issue an extension for up to 10 additional business days.

To monitor the progress of your request, please follow the link below. You will receive an email when your request has been completed.

[FOIA Request Center](#)

To review a copy of EGLE's FOIA policy and procedure, public written summary, and several online databases, go to [www.michigan.gov/eglefoia](http://www.michigan.gov/eglefoia)

EGLE FOIA

I received a call from 231-429-1592 (Jarrett Hale) [HaleJ5@michigan.gov](mailto:HaleJ5@michigan.gov)  
EGLE.

Jarrett told me that there had never been any test of the surface water, vegetation, or soil in the Cartier Park area and that if any of these tests would have been done it would have been in the proximity of Straits Steel and Wire, Handy Things and The Ludington Plating company locations.

It was apparent to me that while everyone claims the contamination has not reached Lincoln Lake, they have no way to know this for a fact. I know more about Lincoln Lake than he does and that is not much. For example, he did not know the current depth of the lake. The assumption that the contaminants have not reached Lincoln Lake is based on the fact that water drawn from wells at a depth of 80 feet does not show contamination. This is not a conclusive test. Samples of lake sediment from various depths should be taken and tested to determine the lake contamination.

Jarrett admitted that because the lake is basically a river with a high flow rate to Lake Michigan contaminants would dissipate quickly and would be difficult to find in the Lake water.

All the test wells are at 80 feet while the water table is at about 20 feet. Because the contaminants are heavier than water the EGLE believes they would sink to that depth. My research, as detailed in my report labeled **Interconnected Impacts of Chemical Contamination of Groundwater** indicates this assumption is not necessarily correct. (see below) and read attachment.

The behavior of contaminants like trichloroethylene (TCE), hexavalent chromium, and cyanide in an aquifer depends on various factors, including the physical and chemical properties of the contaminants and the characteristics of the aquifer.

1. **Density:**

- **Trichloroethylene (TCE):** TCE is typically denser than water, so it tends to sink and accumulate in the lower portions of an aquifer.
- **Hexavalent Chromium:** The behavior of hexavalent chromium can vary. Chromium itself is a metal, and the specific form (oxidation state) of chromium in the aquifer can affect its density. Some forms of hexavalent chromium may be denser than water and tend to sink.

- **Cyanide:** The density of cyanide compounds can vary, and some may be denser than water, causing them to sink. However, the behavior can also depend on the specific cyanide compound and its chemical form.

## 2. Solubility:

- **Trichloroethylene (TCE):** TCE is moderately soluble in water, and its movement in the aquifer is influenced by groundwater flow. It can dissolve and migrate with the groundwater.
- **Hexavalent Chromium:** The solubility of hexavalent chromium is pH-dependent. It can exist in various forms, some of which are more soluble than others. The mobility of hexavalent chromium is influenced by its solubility in water.
- **Cyanide:** Cyanide compounds can be highly soluble in water, and their mobility is influenced by solubility and groundwater flow.

## 3. Adsorption and Reactivity:

- Contaminants may adsorb onto soil particles or react with subsurface materials, affecting their mobility. For example, TCE can adsorb to soil particles, reducing its movement in the aquifer.

## 4. Aquifer Characteristics:

- The physical and chemical properties of the aquifer, such as its porosity and permeability, influence the movement of contaminants. High porosity and permeability can facilitate the movement of contaminants through the aquifer.

In summary, the fate and transport of contaminants in an aquifer are complex and depend on a combination of factors. While some contaminants may tend to sink due to their density, other factors such as solubility, adsorption, and groundwater flow play crucial roles in determining their distribution within the aquifer. Site-specific conditions will ultimately dictate the behavior of contaminants in groundwater. Consulting site-specific hydrogeological studies or environmental assessments is crucial for understanding the behavior of contaminants in a particular location.

**I believe because the information related to surface contamination of the Cartier Park area is nonexistent no venison taken from that area should be distributed for human consumption.**



## Terry Grams

---

**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Sunday, February 4, 2024 11:08 AM  
**To:** mfoster@ci.ludington.mi.us  
**Subject:** Surface Tests

**Mitch**

**Have you reached an agreement with Fishbeck Engineering to do the testing for contamination? If you have I hope it will include Lincoln Lake water and sediment along the south shore of the lake.**

**I have been reading about contamination in city owned properties and I have one area of concern, and that is the responsibility for the clean up costs should contamination be found.**

**It appears that the city could be liable for those cost. I think we need to know for sure about this before the tests are conducted.**

[Supporting Ethical Solutions for Deer Management](#)

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Our Lord Jesus Christ.

*Terry L. Grams*

1017 N Beechwood Dr.

Ludington, MI 49431

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[tgrams@chartermi.net](mailto:tgrams@chartermi.net)

[www.stophedeercull.org](http://www.stophedeercull.org)



## Terry Grams

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**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Monday, February 5, 2024 9:55 AM  
**To:** 'Mitch Foster'  
**Subject:** RE: Surface Tests

### Mitch

**From what I have been told about these tests they would be too distant from the Cartier Park area and If my information is correct they are also too old. To be relied on the methods used to do the testing would need to be known. I believe that relying on old test is not something that should be considered because the technology has improved dramatically, and the old test were conducted by and for the contaminators. And consequently, may not have been the most critical to start with.**

**Surface water, soil, and vegetation test results for trichloroethylene (TCE), hexavalent chromium, and cyanide can be influenced by various factors over time. TCE is a volatile organic compound commonly found in industrial processes and groundwater contamination.**

- **Reliability: TCE can slowly enter groundwater from surface water. Once in groundwater, it tends to remain for long periods because it is contained and does not readily evaporate<sup>1</sup>.**
- **Considerations:**
  - **Degradation: Over time, TCE may undergo natural degradation or transformation, affecting its concentration.**
  - **Migration: Movement of TCE within the environment can alter its distribution.**
  - **Sampling Conditions: The reliability depends on proper sampling techniques, storage, and laboratory analysis.**
- **Recommendation: If relying on old TCE test results, consider retesting to account for any changes and ensure accuracy.**

#### **1. Hexavalent Chromium (Cr(VI)):**

- **Cr(VI) is often found in contaminated groundwater and poses health risks.**
- **Reliability: Cr(VI) compounds are highly soluble and exist as hydrochromate, chromate, and dichromate ions. Remediation aims to reduce Cr(VI) to less toxic Cr(III) forms.**
- **Considerations:**

- **Precipitation: Cr(VI) reduction and precipitation are key for successful removal.**
- **In Situ Technologies: In situ approaches like permeable reactive barriers (PRBs) and reactive zones can help.**
- **Monitoring: Regular monitoring is essential to assess changes over time.**
- **Recommendation: Reevaluate old Cr(VI) test results and consider modern remediation techniques.**

## **2. Cyanide:**

- **Cyanide is a toxic compound found in various industrial processes and contaminated sites.**
- **Reliability: Cyanide levels can vary due to chemical reactions, microbial activity, and environmental conditions.**
- **Considerations:**
  - **Decomposition: Cyanide can degrade over time, affecting its concentration.**
  - **Sampling Integrity: Proper sampling protocols and storage impact reliability.**
  - **Environmental Factors: Changes in pH, temperature, and other factors influence cyanide stability.**
- **Recommendation: Verify old cyanide test results through updated sampling and analysis.**

**In summary, while old test results provide historical information, their reliability depends on various factors. For critical decisions, consider retesting to ensure accuracy and account for any changes over time.**

### [Supporting Ethical Solutions for Deer Management](#)

**"The world is a dangerous place to live—not because of the people who are evil, but because of the people who don't do anything about it." Albert Einstein**

Peace and grace from  
God the Father and his son  
Our Lord Jesus Christ.

*Terry L. Grams*

1017 N Beechwood Dr.  
Ludington, MI 49431  
231-843-4914  
231-239-0148 (Cell)  
231-425-3637 (Fax)

[tgrams@chartermi.net](mailto:tgrams@chartermi.net)

[www.stophedeercull.org](http://www.stophedeercull.org)

---

**From:** Mitch Foster <mfooster@ci.ludington.mi.us>  
**Sent:** Monday, February 5, 2024 8:45 AM  
**To:** Terry Grams <tgrams@chartermi.net>  
**Cc:** Mark Barnett <mayer@ci.ludington.mi.us>; Jackie Steckel <JSteckel@ci.ludington.mi.us>; ross@envlaw.com  
**Subject:** RE: Surface Tests

Mr. Grams –

Thank you for sharing the concerns regarding contamination. With regards to the testing, we have been made aware of previous existing test results from the Straits Steel and Handy Things properties that we will be evaluating shortly.

Thank You

Mitch

Mitchell W. Foster, MPA, ICMA-CM  
City Manager  
City of Ludington  
(231) 845-6237  
[mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)

**P.S. Don't forget to #WashYourHandsAndShopLocal**



---

**From:** Terry Grams <[tgrams@chartermi.net](mailto:tgrams@chartermi.net)>  
**Sent:** Sunday, February 4, 2024 11:08 AM  
**To:** Mitch Foster <[mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)>  
**Subject:** Surface Tests

**Mitch**

**Have you reached an agreement with Fishbeck Engineering to do the testing for contamination? If you have I hope it will include Lincoln Lake water and sediment along the south shore of the lake.**

**I have been reading about contamination in city owned properties and I have one area of concern, and that is the responsibility for the clean up costs should contamination be found.**

**It appears that the city could be liable for those cost. I think we need to know for sure about this before the tests are conducted.**

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## Terry Grams

---

**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Monday, February 12, 2024 11:40 AM  
**To:** 'Mitch Foster'  
**Subject:** RE: \*\*\* EXTERNAL \*\*\* Ludington Testing

### Mitch

**I see three problems with this report. First is its age being from 2011 the second being that the test samples were from the immediate vicinity of the companies which I would estimate is a couple of miles from the current area of concern. Because a lot of the contamination resulted from contaminated wash water and other solutions being dumped into the sewer I would expect more contamination downstream from the facilities than right at the facilities themselves. Lastly some of the wording in the report and common sense tells me there were remedial actions taken or likely taken in these areas before the tests were conducted.**

**I believe everyone's best interest is served from a new analysis of the Cartier Park area including the south shore of Lincoln Lake.**

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[www.stopthedeercull.org](http://www.stopthedeercull.org)

---

**From:** Mitch Foster <mfooster@ci.ludington.mi.us>  
**Sent:** Monday, February 12, 2024 11:04 AM  
**To:** Terry Grams <tgrams@chartermi.net>  
**Cc:** Mark Barnett <mayor@ci.ludington.mi.us>; ross@envlaw.com; Jackie Steckel <JSteckel@ci.ludington.mi.us>  
**Subject:** FW: \*\*\* EXTERNAL \*\*\* Ludington Testing

Here is the report Terry.

Thank You

Mitch

Mitchell W. Foster, MPA, ICMA-CM  
City Manager  
City of Ludington  
(231) 845-6237  
[mfoster@ci.ludington.mi.us](mailto:mfoster@ci.ludington.mi.us)

**P.S. Don't forget to #WashYourHandsAndShopLocal**



---

**From:** Brian Calhoun <[bcalhoun@sswtechnologies.com](mailto:bcalhoun@sswtechnologies.com)>  
**Sent:** Monday, February 5, 2024 9:21 AM  
**To:** Mitch Foster <[mfoster@ci.ludington.mi.us](mailto:mfoster@ci.ludington.mi.us)>  
**Subject:** RE: \*\*\* EXTERNAL \*\*\* Ludington Testing

Mitch,

This is a report outlining the last of the soil sampling work completed at the site prior to the MDEQ issuing our No Further Action. There have been several other soil sampling events at the site over the years however those events were more focused on subsurface soils in an attempt to identify source areas of contamination. This particular event (attached) was directed at surface soils and the possibility of “residential” exposures.

Keep in mind that detections can be from naturally occurring “background” materials (results are shown in µg/kg or parts per billion). None of the results showed an exceedance of residential direct contact criteria so MDEQ did not require any additional investigation.

Technical stuff so feel free to call if you have any questions.

**Brian Calhoun**  
SSW Advanced Technologies, LLC  
(517) 227-6118  
**GOALZERO**  
*injuries*

*"If you're not **confronting** unsafe behavior you're **reinforcing** it!"*

---

**From:** Mitch Foster <[mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)>  
**Sent:** Monday, February 5, 2024 8:32 AM  
**To:** Brian Calhoun <[bcalhoun@sswtechnologies.com](mailto:bcalhoun@sswtechnologies.com)>  
**Subject:** RE: \*\*\* EXTERNAL \*\*\* Ludington Testing

You don't often get email from [mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us). [Learn why this is important](#)

No worries. Appreciate it!

Mitch

Mitchell W. Foster, MPA, ICMA-CM  
City Manager  
City of Ludington  
(231) 845-6237  
[mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)

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**From:** Brian Calhoun <[bcalhoun@sswtechnologies.com](mailto:bcalhoun@sswtechnologies.com)>  
**Sent:** Sunday, February 4, 2024 1:56 PM  
**To:** Mitch Foster <[mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)>  
**Subject:** RE: \*\*\* EXTERNAL \*\*\* Ludington Testing

Sorry – I was on the road all of last week. Back in the home office this coming week and will pull this together.

**Brian Calhoun**  
SSW Advanced Technologies, LLC  
(517) 227-6118  
**GOALZERO**  
**injuries**

*"If you're not **confronting** unsafe behavior you're **reinforcing** it!"*

---

**From:** Mitch Foster <[mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)>  
**Sent:** Friday, February 2, 2024 1:42 PM  
**To:** Brian Calhoun <[bcalhoun@sswtechnologies.com](mailto:bcalhoun@sswtechnologies.com)>  
**Subject:** \*\*\* EXTERNAL \*\*\* Ludington Testing

You don't often get email from [mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us). [Learn why this is important](#)

**!!! CAUTION !!!** This email originated from outside of the SSW Advanced Technologies corporate email system. Do not click links or open attachments unless you recognize the email address of the sender. Please report any suspicious emails or activity by using the Phish Alert Button.

Brian –

Just checking in on the surface testing data and the little narrative. Thanks!

Mitch

Mitchell W. Foster, MPA, ICMA-CM  
City Manager  
City of Ludington  
(231) 845-6237  
[mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)

**P.S. Don't forget to #WashYourHandsAndShopLocal**





## Terry Grams

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**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Tuesday, February 13, 2024 7:24 AM  
**To:** mfoster@ci.ludington.mi.us  
**Subject:** Contamination report  
**Attachments:** Ludington Plating Contamination.pdf

**Mitch**

**There is a lot to consider about a new V old contamination report.**

**I hope you find the attached information useful,**

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**Peace and grace from  
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Our Lord Jesus Christ.**

*Terry L. Grams*

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Ludington, MI 49431

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[tgrams@chartermi.net](mailto:tgrams@chartermi.net)

[www.stopthedeercull.org](http://www.stopthedeercull.org)

## Terry Grams

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**From:** Mitch Foster <mfooster@ci.ludington.mi.us>  
**Sent:** Sunday, February 18, 2024 5:19 PM  
**To:** Terry Grams  
**Subject:** RE: DNR Permit

I do not know what happened on that error Terry as we have had the permit for some time.

Thank you for the follow up.

Mitch

Mitchell W. Foster, MPA, ICMA-CM  
City Manager  
City of Ludington  
(231) 845-6237  
[mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)

**P.S. Don't forget to #WashYourHandsAndShopLocal**



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**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Friday, February 16, 2024 6:04 AM  
**To:** Mitch Foster <mfooster@ci.ludington.mi.us>  
**Subject:** DNR Permit

**Mitch**

**I was notified by the DNR that there was an update to my FOIA request regarding 2024 deer culls in Michigan.**

**Ludington has been added to the bottom of the list now.**

**Do you know what happened to correct the error?**

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## Terry Grams

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**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Monday, March 25, 2024 9:59 AM  
**To:** 'Mitch Foster'  
**Subject:** RE: FOIA Request

**Expires:** Saturday, September 21, 2024 12:00 AM

**Mitch**

**I do not recall receiving this earlier. If I did I would have saved the file so I will do a search for it.**

**When we were discussing the Fishbeck Engineering proposal you told me you were considering relying on a couple of earlier reports other than the FTC&h report you sent to me earlier.**

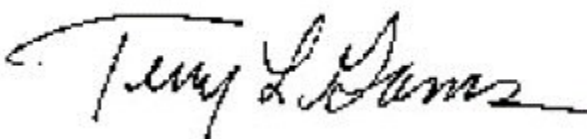
**I will need the names of these reports to properly identify them for the FOIA request. If you do not recall the names of these reports I can just request all reports related to the contamination resulting from the Straits Steel & Wire, Handy Things and Ludington Plating Company operations. I would rather just narrow it down to the reports you relied on to reach the conclusion that the surface water, soil and vegetation in Cartier Park is not contaminated.**

**These documents, if they exist, must eventually be provided anyway through the discovery process and if they do not exist the sooner I know that the better and less costly it is for all of us.**

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[www.stophedeercull.org](http://www.stophedeercull.org)

---

**From:** Mitch Foster <[mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)>  
**Sent:** Monday, March 25, 2024 9:01 AM  
**To:** Terry Grams <[tgrams@chartermi.net](mailto:tgrams@chartermi.net)>  
**Cc:** Mark Barnett <[mayor@ci.ludington.mi.us](mailto:mayor@ci.ludington.mi.us)>; [ross@envlaw.com](mailto:ross@envlaw.com); Jackie Steckel <[JSteckel@ci.ludington.mi.us](mailto:JSteckel@ci.ludington.mi.us)>; Karla Gerds <[karla@envlaw.com](mailto:karla@envlaw.com)>; Kimberly Flynn <[kimberly@envlaw.com](mailto:kimberly@envlaw.com)>  
**Subject:** FW: FOIA Request

Terry – This was sent to you previously.

Mitch

Mitchell W. Foster, MPA, ICMA-CM  
City Manager  
City of Ludington  
(231) 845-6237  
[mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)

**P.S. Don't forget to #WashYourHandsAndShopLocal**



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**From:** Kimberly Flynn <[kimberly@envlaw.com](mailto:kimberly@envlaw.com)>  
**Sent:** Monday, March 25, 2024 8:31 AM  
**To:** Mitch Foster <[mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)>; Ross Hammersley <[ross@envlaw.com](mailto:ross@envlaw.com)>  
**Cc:** Karla Gerds <[karla@envlaw.com](mailto:karla@envlaw.com)>  
**Subject:** RE: FOIA Request

Mitch,

From what I can tell, Ross and Karla did reply to Mr. Grams.... See attached. Please let me know if I can be of any other assistance.

~Kimberly

---

**From:** Mitch Foster <[mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)>  
**Sent:** Monday, March 25, 2024 8:23 AM  
**To:** Ross Hammersley <[ross@envlaw.com](mailto:ross@envlaw.com)>  
**Cc:** Karla Gerds <[karla@envlaw.com](mailto:karla@envlaw.com)>; Kimberly Flynn <[kimberly@envlaw.com](mailto:kimberly@envlaw.com)>  
**Subject:** FW: FOIA Request

I thought we had responded to this.

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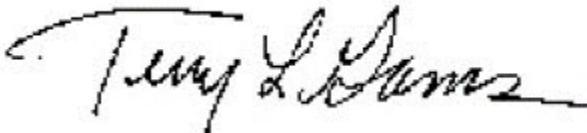
**From:** Terry Grams <[tgrams@chartermi.net](mailto:tgrams@chartermi.net)>  
**Sent:** Monday, March 25, 2024 5:15 AM  
**To:** Mitch Foster <[mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)>  
**Subject:** FW: FOIA Request

**Mitch I never got a response to this FOIA request.**

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[tgrams@chartermi.net](mailto:tgrams@chartermi.net)  
[www.stophedeercull.org](http://www.stophedeercull.org)

---

**From:** Terry Grams <[tgrams@chartermi.net](mailto:tgrams@chartermi.net)>  
**Sent:** Thursday, February 29, 2024 5:15 AM  
**To:** [mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)  
**Subject:** FOIA Request

**Mitch**

**This is a FOIA request for the following:**

- 1. Copies of any environmental test that have or will be submitted to the USDA, DNR or any other state or federal agency involved with, authorizing, or conducting any deer cull in Ludington, MI.**
- 2. The contact names and addresses of persons at any of the afore mention agencies that will be or have received any of these test results.**

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[www.stopthedeercull.org](http://www.stopthedeercull.org)

## Terry Grams

---

**From:** Mitch Foster <mfooster@ci.ludington.mi.us>  
**Sent:** Wednesday, January 24, 2024 1:41 PM  
**To:** Terry Grams  
**Subject:** RE: Testing

Thank you for the considerations on this and I will pass them along.

Mitch

Mitchell W. Foster, MPA, ICMA-CM  
City Manager  
City of Ludington  
(231) 845-6237  
[mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)

**P.S. Don't forget to #WashYourHandsAndShopLocal**



---

**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Wednesday, January 24, 2024 9:50 AM  
**To:** Mitch Foster <mfooster@ci.ludington.mi.us>  
**Subject:** Testing

**Mitch**

**After reviewing Fishbeck Engineering's website it looks to be an excellent choice to conduct surface contamination tests at the Cartier Park/Bryant Woods area.**

**Tests for trichloroethylene, hexavalent chromium, and cyanide can typically be conducted in winter, but certain factors may influence the accuracy and feasibility of the tests. Fishbeck appears to have the capabilities to do these tests correctly.**



**Here are some considerations:**

- 1. Temperature: Some testing methods may be affected by extreme temperatures. Ensure that the testing equipment and chemicals can function within the winter temperatures in your specific location.**
- 2. Sample Collection: Collecting surface samples in winter may be influenced by factors such as snow cover or frozen surfaces. Ensure that the sampling method takes these conditions into account.**
- 3. Chemical Stability: Some chemicals may exhibit different behaviors in colder temperatures. Verify that the chemicals used in the testing process remain stable and provide accurate results in winter conditions.**
- 4. Equipment Calibration: Cold temperatures can affect the calibration of testing equipment. Regular calibration checks are important to ensure accurate results.**
- 5. Safety Precautions: Follow safety guidelines for handling chemicals and conducting tests in winter conditions. Ensure that personnel are adequately trained and equipped to work in cold environments.**

**Nothing worth doing right is easy or cheap so contracting with a qualified testing company is a very good decision.**

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[www.stophedeercull.org](http://www.stophedeercull.org)

## Terry Grams

---

**From:** Mitch Foster <mfooster@ci.ludington.mi.us>  
**Sent:** Tuesday, January 23, 2024 1:49 PM  
**To:** Terry Grams  
**Subject:** RE: Contamination Tests

Good Afternoon Terry – We do not have the contract or proposal yet, but did have a conversation with Fishbeck engineering yesterday afternoon.

Thank You

Mitch

Mitchell W. Foster, MPA, ICMA-CM  
City Manager  
City of Ludington  
(231) 845-6237  
[mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)

**P.S. Don't forget to #WashYourHandsAndShopLocal**



---

**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Tuesday, January 23, 2024 10:21 AM  
**To:** Mitch Foster <mfooster@ci.ludington.mi.us>  
**Subject:** Contamination Tests

**Mitch**

**Based on your comments at the council meeting last night I take it something changed between your email about that to me yesterday and last evening.**

**Please supply the name of the firm the city will be contracting with or has contracted with to conduct the tests.**

Supporting Ethical Solutions for Deer Management

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## Terry Grams

---

**From:** Mitch Foster <mfooster@ci.ludington.mi.us>  
**Sent:** Monday, January 22, 2024 1:35 PM  
**To:** Terry Grams  
**Subject:** RE: North side surface tests

We are working to find a good testing mechanism, but have not had luck either yet.

Mitch

Mitchell W. Foster, MPA, ICMA-CM  
City Manager  
City of Ludington  
(231) 845-6237  
[mfooster@ci.ludington.mi.us](mailto:mfooster@ci.ludington.mi.us)

**P.S. Don't forget to #WashYourHandsAndShopLocal**



---

**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Monday, January 22, 2024 1:09 PM  
**To:** Mitch Foster <mfooster@ci.ludington.mi.us>  
**Subject:** North side surface tests

**Mitch**

**Now that the USDA is involved in the Bryant Woods/Cartier Park surface contamination testing should I discontinue the search to find someone to do these tests.**

**So far I only contacted Michigan State University and have not heard back from them.**

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[www.stopthedeercull.org](http://www.stopthedeercull.org)

Mitch

I believe it is important that city officials fully understand zinc plating and in particular the plating that was done at the Ludington Plating Company. I believe they are only familiar with Straits Steel and Wire and possibly Handy Things. Ludington Plating was a much different operation, and the plating line was much larger than either of the other two. At least back in 1958.

After graduating high school in 1958 I worked at Ludington Plating Company for about five months, and I can tell you they practiced none of the safety practices outline below. For example, the degreaser used trichloroethylene and was heated to a high temperature with no ventilation. Everything was moved through the production tanks using manually operated electric hoists. The plating racks that held the shelves were over fifteen feet long. All the rinse tanks emptied directly into the city sewers as did the contents of the various tanks used for plating when the solutions needed to be changed.

In addition to plating the shelves [**most of the plating was done for Howell Wire and Pentwater Wire and was mostly refrigerator shelving, so we are talking about large parts**] they were moved by a conveyor line through a tank of clear lacquer then run through a baking oven. I am not sure how this lacquer was disposed of but knowing Tubby Guinn it was whatever was cheapest.

Most of the resulting contamination from this operation could end up somewhere after the point where the sewer system failed because of exposure to the chemicals and could be a considerable distance from the location of the plating operations themselves.

Let's look at a zinc plating operation, specifically starting with a **trichloroethylene degreaser bath**. Here are the key steps and considerations:

### 1. Degreasing Process:

- Begin by cleaning the metal shelving components to remove any oil, grease, or contaminants. The trichloroethylene degreaser bath serves this purpose.
- Ensure proper ventilation and safety precautions when handling trichloroethylene, as it is a volatile organic compound (VOC) and poses health risks.
- The degreaser bath should be maintained at an appropriate temperature (usually room temperature) for effective degreasing.

### 2. Rinsing:

- After degreasing, rinse the shelving components thoroughly to remove any residual degreaser.
- Proper rinsing ensures that no degreaser remains on the surface, which could interfere with subsequent plating steps.

### 3. Acid Pickling:

- Next, immerse the cleaned shelving parts in an **acid pickle bath**. The acid pickle removes any remaining oxides, scales, or surface impurities.

- The acid pickle solution typically contains hydrochloric acid (HCl) or sulfuric acid (H<sub>2</sub>SO<sub>4</sub>).
- Adjust the dwell time and barrel rotation rate during rinsing after pickling to optimize the shedding of rinsewater before plating <sup>1</sup>.

#### 4. Zinc Plating Bath:

- Prepare the zinc plating bath. Traditionally, **chloride zinc** is widely used for electroplating due to its bright deposit, substrate coverage, and ease of waste treatment.
- However, consider adopting newer technology, such as **high-temperature chloride zinc** baths, which can significantly enhance productivity and profitability.
- The high-temperature chloride zinc bath operates best between **110°F and 125°F**. Ensure a means of heating the bath is available to maintain the desired temperature.
- The proprietary chemistry in the bath needs upgrading to handle higher temperatures while minimizing brightener usage.
- Installation modifications may include adding a heating system to maintain the bath temperature.

#### 5. Plating Parameters:

- Set the appropriate current density, plating time, and agitation (barrel rotation or rack movement) based on the specific requirements for the shelving components.
- Monitor the bath composition (zinc concentration, brighteners, and other additives) regularly to maintain consistent plating quality.

#### 6. Post-Plating Steps:

- After plating, rinse the components thoroughly to remove any residual plating solution.
- Consider applying a chromate conversion coating (passivation) to enhance corrosion resistance and improve appearance.

When chemicals from a zinc plating operation, including wastewater and other chemicals, are dumped into the sewer system, they can have several potential impacts on the environment and public health.

Here are some possible consequences:

##### Contamination of Sewer System:

The chemicals can corrode the sewer system infrastructure over time, leading to structural damage and potential leaks.

Corrosive substances may react with the materials in the sewer pipes, causing deterioration and compromising the integrity of the system.

##### Water Treatment Plant Impact:

If the chemicals reach a wastewater treatment plant, they can interfere with the treatment process. Some chemicals may not be effectively removed during conventional treatment processes.

#### Release into Surface Water Bodies:

If the chemicals bypass the treatment process or if the sewer system is not properly treated, they may be discharged directly into rivers, lakes, or other surface water bodies.

This discharge can lead to water pollution, negatively affecting aquatic ecosystems and potentially harming fish and other aquatic life.

#### Groundwater Contamination:

In some cases, chemicals may infiltrate the soil and potentially contaminate groundwater. This can pose risks to drinking water sources and may require remediation efforts.

#### Public Health Concerns:

Contaminated water sources can pose risks to human health if they are used for drinking or if people come into direct contact with the polluted water.

It's important for industrial operations to adhere to environmental regulations and guidelines to prevent such incidents. Proper disposal methods, treatment of wastewater, and adherence to environmental standards can help mitigate the environmental impact of industrial processes.

I hope this information is useful and clarifies the need for new surface tests of water, soil, and vegetation in any area that deer taken from a cull might have been. As I understand it there are new technologies introduced since 2011 that could result in more accurate testing.



## Terry Grams

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**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Monday, February 5, 2024 10:54 AM  
**To:** APHIS.CustomerSupport@usda.gov  
**Subject:** ATT Mandy Height

### **Mandy Height**

**My understanding is that the USDA is requiring surface water, soil, and vegetation chemical contamination test for trichloroethylene (TCE), hexavalent chromium, and cyanide in northwest Ludington before a planned deer cull can proceed.**

**The city contacted Fishbeck Engineering about conducting these tests which appears to be an excellent choice, but now I have been told by Mitch Foster, city manager that old existing test conducted on behalf of Straights Steen and Wire and Handy Things [two of the three contaminators] may be relied on.**

**I believe relying on these tests would be a grave mistake because they are too old and were done for and by the contaminators, if what I have been told is accurate.**

**My understanding is that tests for these contaminants have advanced significantly over the years. I am also concerned that the old test may be disadvantages to the city because these tests may have been conducted at or very near the manufacturer's location and not at the current areas of concern. It is also possible that contamination that existed years ago no longer exists so current test should be used to determine the current contamination or lack thereof.**

**If you are not the correct person to send this information to please forward it and advise me of same.**

[Supporting Ethical Solutions for Deer Management](#)

**"The world is a dangerous place to live—not because of the people who are evil, but because of the people who don't do anything about it." Albert Einstein**

Peace and grace from  
God the Father and his son  
Our Lord Jesus Christ.

*Terry L. Grams*

1017 N Beechwood Dr.

Ludington, MI 49431  
231-843-4914  
231-239-0148 (Cell)  
231-425-3637 (Fax)  
[tgrams@chartermi.net](mailto:tgrams@chartermi.net)  
[www.stophedeercull.org](http://www.stophedeercull.org)

## Terry Grams

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**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Wednesday, September 20, 2023 4:21 PM  
**To:** 'Mark Barnett'  
**Cc:** feral@friendsofanimals.org  
**Subject:** Wildlife

**Mark**

**Before everyone goes ballistic looking for another excuse to murder deer I suggest they read this article. <https://www.michigantrailmaps.com/the-right-of-a-coyote/>**

**These animals lived here for centuries before we did and by applying diligent principles of personal responsibility we can prevent most of the bad experiences people have.**

**I do not understand people that move to Northern Michigan and then complain about the animals that make this their home and have for a very long time. Maybe they should consider moving rather than killing everything they do not like.**

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*Terry L. Grams*

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## Terry Grams

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**From:** Tom Rotta <tomrotta@rocketmail.com>  
**Sent:** Friday, January 26, 2024 1:32 PM  
**To:** Terry Grams  
**Subject:** Fw: Ludington Deer Cull's Unlawful Nature, Repercussions Therefrom

FYI

----- Forwarded Message -----

**From:** Tom Rotta <tomrotta@rocketmail.com>  
**To:** david.f.madrigo@usda.gov <david.f.madrigo@usda.gov>; earl.g.krom@usda.gov <earl.g.krom@usda.gov>; tanya.c.espinosa@usda.gov <tanya.c.espinosa@usda.gov>; anthony.g.duffiney@usda.gov <anthony.g.duffiney@usda.gov>  
**Cc:** mandy.hight@usda.gov <mandy.hight@usda.gov>; Mitch Foster <mfoster@ci.ludington.mi.us>; Deb Luskin <dluskin@ci.ludington.mi.us>  
**Sent:** Friday, January 26, 2024 at 01:27:17 PM EST  
**Subject:** Ludington Deer Cull's Unlawful Nature, Repercussions Therefrom

Deer Wildlife Management USDA Officials.

If you are directly receiving this in your inbox, then you have been identified as a point of contact with the City of Ludington in the second year of its deer culling contract with the USDA APHIS WMD. A brief introduction: I'm Tom Rotta, creator and senior editor of a local watchdog website called the Ludington Torch currently in our busy sesquicentennial year. We filed an injunction against the City of Ludington and the local school district to prevent the first year of the contract from going forward, as it was being held on elementary school grounds and this not only endangered the young children at that school whose spirit animal was the deer but was definitely against both state and federal laws against discharging firearms within school grounds without a law enforcement purpose. Before the injunction could be adjudicated, Ludington's city council decided to cancel the deer cull for that year, 2023.

Ludington's new mayor in 2023 strongly advocated for and brought back the deer cull with council approval for this year and he did so without telling anyone publicly that his small property lot would be part of the culling grounds. His name is Mark Barnett, he was carbon-copied in correspondence to you in 2022 from the City of Ludington, even before he became mayor. Beyond the mayor's ethical lapse of not disclosing his financial benefit for restarting the cull, a lapse that has inspired me to launch a recall petition against him, he never noted in his Work Initiation Form submitted as a supplement to the City's deer cull CSA that the wooded side of his 0.6 acre lot abuts school property.

It is against state and federal law to carry and discharge firearms on school property w/o the district's permission, this permission has never been sought for this year's cull, the Ludington Area School District has made it known that after the controversy of last year that they would not give such permission in subsequent years. This protection extends to places within a school zone (within 1000 ft. of school property), and four individuals submitting WI Forms in Ludington fall in school zones, but none received permission.

Subcontracting is against the USDA's CSA ([10929848465 \(ning.com\)](https://www.ning.com)) with the City, which is solely with that entity, not with private individuals or other entities, and Article 7 of that CSA specifically excludes then-citizen Mark Barnett from piggy-backing on the City's CSA. If he desires deer management, then he and four other individuals must create their own CSA and pay their own money rather than tax money from Ludington citizens (a wide majority against the cull) for the service and abide by the laws.

Through FOIA, I have received the USDA's talking points ([12290210881 \(ning.com\)](https://www.ning.com)) and the last eight words are very interesting: "we [the USDA] comply with all state and federal laws". But you are definitely not following state laws, and I will make sure that the USDA will be held legally accountable when they violate them in Ludington. Consider, our state legislators have defined "hunting" to be "to pursue, capture, shoot, kill, chase, follow, harass, harm, rob, or trap a wild animal, or to attempt to engage in such an activity." The CSA's action plan defines activity that would squarely fall under "hunting" in regard to state law.

Thus, in any USDA APHIS WS activity which involves utilizing "suppressed firearms from vehicles" etc. to 'remove deer', WS needs to follow all of the rules for hunting that any other sport hunter must follow, rules meant for public safety and managing the deer herd. This disallows hunting in cemeteries, one of which is part of the Ludington deer cull, and within 450 feet of a building that may be inhabited, except when express permission is granted.

The envisioned deer cull in Ludington violates many other state laws on hunting by its own inception, and rather than listing them here and now, I promise you a full listing, documentation, and explanation arriving with a summons should the actions contracted in this CSA with Ludington get executed, along with our deer. I urge you to seek counsel and proceed lawfully in whatever deer path you choose to follow. I would appreciate hearing from any of you explaining your position on the topics I shared with you.

Tom Rotta

**The Ludington Torch**

## Terry Grams

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**From:** Terry Grams <tgrams@chartermi.net>  
**Sent:** Wednesday, January 31, 2024 11:08 AM  
**To:** vrichardson3@michigan.gov  
**Subject:** DNR Permits  
**Attachments:** DNR FOIA.pdf

**Dear Mr. Richardson**

**I am doing some research regarding deer culls being conducted in Michigan and discovered that the city of Ludington does not have a DNR permit for a 2024 cull.**

**The city is saying they have contracted with the USDA to conduct a cull but apparently have neglected to obtain the required permits from the Michigan DNR.**

**There are other complications involving potentially contaminated land areas that are reported to be holding up any cull until the area can be analyzed for the chemical contaminants.**

**I am hopeful that you can shed some light on the status of a deer cull in Ludington as local information seems to be very convoluted.**

**I am attaching a pdf file of the information received from the DNR.**

[Supporting Ethical Solutions for Deer Management](#)

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*Terry L. Grams*

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[tgrams@chartermi.net](mailto:tgrams@chartermi.net)  
[www.stophedeercull.org](http://www.stophedeercull.org)

## Terry Grams

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**From:** Visit Ludington <noreply@visitludington.com>  
**Sent:** Friday, November 24, 2023 11:26 AM  
**To:** tgrams@chartermi.net  
**Subject:** Thank you for contacting Visit Ludington

Thank you for your email to Visit Ludington. We will respond as soon as we are able.

Name: Terry Grams  
Email: tgrams@chartermi.net  
Phone: 231-843-4914

Message: It appears to many of us that the reversal of last year's decision to cancel the White-Tailed deer cull was reached by the city council this year without adequate debate by the council or the opportunity for meaningful public comment. A few minutes of comments at a city council meeting without any dialogue between the public and the council is inadequate. Many important considerations appear to have been overlooked in a rush to take a new vote. Report on Reasons to Oppose a White-Tailed Deer Cull in Ludington, Michigan

### 1. Introduction

Ludington, Michigan, is known for its picturesque landscapes and diverse wildlife, including a thriving population of white-tailed deer. Recently, proposals have been put forth to implement a culling program to manage the deer population. However, there are several compelling reasons to oppose such measures.

### 2. Biodiversity and Ecological Balance

White-tailed deer are an integral part of Ludington's ecosystem, playing a crucial role in maintaining biodiversity. They contribute to seed dispersal, influence vegetation growth, and serve as prey for predators. A cull could disrupt the delicate ecological balance by negatively impacting other species that rely on the presence of deer.

### 3. Ethical and Humane Concerns

Culling methods often involve hunting or other lethal means, raising ethical and humane concerns. Opponents argue that using lethal measures to control the deer population may lead to unnecessary suffering and goes against principles of compassion and respect for wildlife. Non-lethal alternatives, such as contraception or relocation, should be explored as more ethical and humane options.

### 4. Economic Impact of Deer-Related Tourism

Ludington benefits from deer-related tourism, drawing nature enthusiasts and wildlife photographers who appreciate the opportunity to observe these majestic animals in their natural habitat. Implementing a cull could potentially deter tourists, adversely affecting local businesses that depend on wildlife-related activities.

### 5. Community Engagement and Alternatives

Opponents of the deer cull argue that community engagement and education about coexisting with wildlife should be prioritized. This approach encourages residents to take preventive measures, such as deer-resistant landscaping, to minimize conflicts between humans and deer. Non-lethal alternatives, such as fencing or repellents, should be explored as effective means of managing deer-human interactions without resorting to culling.

### 6. Incomplete Understanding of the Issue

Some argue that there is still much to learn about the factors influencing the deer population in Ludington. A comprehensive study should be conducted to understand the root causes of the issue, including habitat loss, urbanization, and food availability. Rushing into a culling program without a complete understanding of these factors may result in ineffective solutions.

#### 7. Legal and Regulatory Considerations

Implementing a deer cull requires careful adherence to legal and regulatory frameworks. Opponents of the cull argue that proper channels for obtaining permits, assessing environmental impact, and involving the community in decision-making processes should be followed rigorously. Failing to do so may lead to legal challenges and community dissatisfaction.

#### 8. Public Opinion and Collaboration

Lastly, the importance of considering public opinion and fostering collaboration cannot be overstated. Engaging with the community to understand their concerns and perspectives is vital for effective wildlife management. Collaboration between local authorities, environmental groups, and residents can lead to more sustainable and acceptable solutions. In conclusion, while concerns about deer-human conflicts are valid, opposing a white-tailed deer cull in Ludington, Michigan, is grounded in considerations of biodiversity, ethics, economics, community engagement, and a comprehensive understanding of the issue. It is imperative to explore alternative, non-lethal methods and involve the community in decision-making processes to find a balanced and sustainable solution.

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