MICHIGAN STRATEGIC FUND
APPROVED MEETING MINUTES
September 22, 2026

Member Present
Quentin L Messer, Jr.

Members Joined Remotely
Britany Affolter-Caine
Wesley Eklund
Jeffrey Dokho
John Groen (on behalf of Director Corbin)
Michael B. Kapp (on behalf of Director Wieferich)
Alissa Roath
Lynda Rossi
Susan Tellier
Lance Wilkinson (on behalf of Treasurer Eubanks)

Absent
Dimitrius Hutcherson
Dan Meyering
Leon Richardson

I. CALL TO ORDER & ROLL CALL

Mr. Messer called the meeting to order at 9:00 a.m. The meeting was held in person in the Lake Michigan Conference Room at the MEDC headquarters building in Lansing.

Mr. Messer introduced Ms. Davenport, MSF Administrator, who conducted the attendance call.

Dr. Britany Affolter-Caine joined the meeting virtually at 9:02 a.m.

II. PUBLIC COMMENT PERIOD

Ms. Davenport explained the process for in-person members of the public to participate. Public comment was had.

III. VIRTUAL PUBLIC COMMENT PERIOD

Ms. Davenport explained the process for virtual members of the public to participate. Virtual public comment was had.

IV. COMMUNICATIONS

Ms. Davenport stated that communications were shared with the MSF Board via email on Friday, September 18th and Monday, September 21st.

Dr. Britany Affolter-Caine, Chair of the MSF Policy and Planning Subcommittee, provided updates on MSF Subcommittee activities in September.

Quentin L. Messer motioned to appoint Jeffrey Dokho to the MSF Finance and Investment Subcommittee. Lynda Rossi seconded the motion. **The motion carried: 9 ayes; 0 nays; 0 recused.**

ROLL CALL VOTE: Ayes: Dr. Britany Affolter-Caine, Wesley Eklund, John Groen (on behalf of Director Corbin, designation attached), Michael B. Kapp (on behalf of Director Wieferich, designation attached), Quentin L. Messer, Jr., Alissa Roath, Lynda Rossi, Susan Tellier, Lance Wilkinson (on behalf of Treasurer Eubanks, designation attached); Nays: None; Recused: None.

V. CONSENT AGENDA

Resolution 2026-091, Approval of Consent Agenda Items

Mr. Messer asked if there were any questions from Board Members regarding items under the Consent Agenda. There being none, Dr. Britany Affolter-Caine motioned for approval of the following:

a. August 25, 2026, MSF Meeting Minutes
b. MEDC/MSF Memorandum of Understanding for Administrative Services **2026-092**
c. 2023 Community Development Block Grant Disaster Recovery Infrastructure Projects **2026-093**
d. Michigan Auto Supplier Transition Program (MASTP) Guideline Amendment **2026-094**
e. Act 381 Work Plan Approval: Keweenaw Gateway Project **2026-095**
f. Howard Property Partners, LLC: Michigan Community Revitalization Program (MCRP) Amendment #2 **2026-096**
g. Transformational Brownfield Program (TBP) Guideline Amendments **2026-097**
h. 2013 Pure Michigan Venture Development Program – Michigan eLab Capital Partner, LP – Third Amendment to Limited Partnership Agreement **2026-098**

Dr. Britany Affolter-Caine motioned for the approval of Resolution 2026-091 to approve the Consent Agenda. Quentin L. Messer, Jr. seconded the motion. **The motion carried: 10 ayes; 0 nays; 0 recused.**

ROLL CALL VOTE: Ayes: Dr. Britany Affolter-Caine, Jeffrey Dokho, Wesley Eklund, John Groen (on behalf of Director Corbin, designation attached), Michael B. Kapp (on behalf of Director Wieferich, designation attached), Quentin L. Messer, Jr., Alissa Roath, Lynda Rossi, Susan Tellier, Lance Wilkinson (on behalf of Treasurer Eubanks, designation

attached); Nays: None; Recused: None.

VI. ATTRACT, RETAIN, AND GROW BUSINESS

a. Resolution 2026-099 Our Next Energy Critical Industry Program Amendment

Christin Armstrong, Chief Operating & Performance Officer, provided the Board with information on the requested action. The request involves the consideration of a resolution to approve a Critical Industry Program (CIP) Amendment to Our Next Energy.

Following discussion, Quentin L. Messer, Jr. motioned for the approval of Resolution 2026-099 to approve the CIP Amendment. Dr. Britany Affolter-Caine seconded the motion. **The motion carried: 10 ayes; 0 nays; 0 recused.**

ROLL CALL VOTE: Ayes: Dr. Britany Affolter-Caine, Jeffrey Dokho, Wesley Eklund, John Groen (on behalf of Director Corbin, designation attached), Michael B. Kapp (on behalf of Director Wieferich, designation attached), Quentin L. Messer, Jr., Alissa Roath, Lynda Rossi, Susan Tellier, Lance Wilkinson (on behalf of Treasurer Eubanks, designation attached); Nays: None; Recused: None.

VII. DEVELOP ATTRACTIVE PLACES

a. **Resolution 2026-100 Arbor South Development Project Act 381 Work Plan**

Holden Branch, Community Development Manager, presented the Board with information regarding the requested action. The request involves consideration of a resolution to approve an Act 381 Work Plan for Act 381 eligible activities capped at $110,699,530, utilizing the current state to local capture ratio, to the Washtenaw County Brownfield Redevelopment Authority.

Following discussion, Quentin L. Messer, Jr. motioned for the approval of Resolution 2026-100 to approve the Act 381 Work Plan. Alissa Roath seconded the motion. **The motion carried: 10 ayes; 0 nays; 0 recused.**

ROLL CALL VOTE: Ayes: Dr. Britany Affolter-Caine, Jeffrey Dokho, Wesley Eklund, John Groen (on behalf of Director Corbin, designation attached), Michael B. Kapp (on behalf of Director Wieferich, designation attached), Quentin L. Messer, Jr., Alissa Roath, Lynda Rossi, Susan Tellier, Lance Wilkinson (on behalf of Treasurer Eubanks, designation attached); Nays: None; Recused: None.

VIII. CAPITAL ACCESS

a. **Resolution 2026-101 Michigan CFI Coalition Michigan Supplier Diversification Fund**

Chris Cook, Managing Director of Capital Access, presented the Board with information regarding the requested action. The request involves consideration of a resolution to approve funding from the Michigan Supplier Diversification Fund and loan in the amount up to $10,000,000 to the Michigan CDFI Coalition.

John Groen motioned for the approval of Resolution 2026-101 to approve the funding allocation and loan request. Dr. Britany Affolter-Caine seconded the motion. **The motion carried: 10 ayes; 0 nays; 0 recused.**

ROLL CALL VOTE: Ayes: Dr. Britany Affolter-Caine, Jeffrey Dokho, Wesley Eklund, John Groen (on behalf of Director Corbin, designation attached), Michael B. Kapp (on behalf of Director Wieferich, designation attached), Quentin L. Messer, Jr., Alissa Roath, Lynda Rossi, Susan Tellier, Lance Wilkinson (on behalf of Treasurer Eubanks, designation attached); Nays: None; Recused: None.

Dr. Affolter-Caine, recused, left the meeting at 9:59 a.m.

b. **Resolution 2026-102 University of Michigan Alumni Association Private Activity Bond Authorization**

Chris Cook, Managing Director of Capital Access, presented the Board with information regarding the requested action. The request involves consideration of a resolution to approve Private Activity Bond Authorization in an amount not to exceed $15,000,000, to The Alumni Association to finance improvement costs for Camp Michigania.

Quentin L Messer, Jr. motioned for the approval of Resolution 2026-102 to approve the Private Activity Bond Authorization. Alissa Roath seconded the motion. **The motion carried: 9 ayes; 0 nays; 1 recused.**

ROLL CALL VOTE: Ayes: Jeffrey Dokho, Wesley Eklund, John Groen (on behalf of Director Corbin, designation attached), Michael B. Kapp (on behalf of Director Wieferich, designation attached), Quentin L. Messer, Jr., Alissa Roath, Lynda Rossi, Susan Tellier, Lance Wilkinson (on behalf of Treasurer Eubanks, designation attached); Nays: None; Recused: Dr. Britany Affolter-Caine.

IX. INFORMATIONAL

Mr. Messer noted that the Michigan Strategic Fund Delegation of Authority Report from August 1, 2026, to August 31, 2026, was included in the meeting packet. There were no questions regarding the report.

Mr. Messer adjourned the meeting at 10:03 a.m.

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
LANSING

SUSAN CORBIN
DIRECTOR

March 14, 2025

Ms. Natalie Davenport
Michigan Strategic Fund Administrator
300 North Washington Square
Lansing, Michigan 48913

Re: Michigan Strategic Fund Board Meeting Designee

Dear Ms. Davenport,

Pursuant to MCLA 16.51, I hereby confirm my designation of John Groen as the person authorized and empowered to act in my stead as a member of the Michigan Strategic Fund Board for scheduled meetings or portions thereof that I am unable to attend.

If you need anything additional, please contact Amaya Durkee at 616-522-7772 or DurkeeA4@michigan.gov.

If you need

Sincerely,

Susan R. Corbin

Susan R. Corbin
Director

72 (Rev. 03-19)

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

GRETCHEN WHITMER
GOVERNOR

RACHAEL EUBANKS
STATE TREASURER

June 2, 2026

Natalie Davenport
Michigan Strategic Fund Administrator
Michigan Economic Development Corporation
300 N. Washington Square
Lansing, MI 48913

Re: Michigan Strategic Fund Board Meeting and Michigan Strategic Fund Finance and Investment Subcommittee Designees for Treasurer Eubanks

Dear Ms. Davenport:

I hereby designate Lance Wilkinson, Andrew Lockwood, and Amber Westendorp to attend all Michigan Strategic Fund Board Meetings and Michigan Strategic Fund Finance and Investment Subcommittee meetings that I am unable to attend in 2026.

If you need anything additional, please contact Kara Kabia at (517) 275-0646.

Sincerely,

Rachael Eubanks

Rachael Eubanks
State Treasurer

Cc: Lance Wilkinson
Eric Bussis
Andrew Lockwood
Amber Westendorp

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

BRADLEY C. WIEFERICH, P.E.
ACTING DIRECTOR

January 3, 2023

Ms. Rhonda Bishop
Board Relations Liaison
Michigan Strategic Fund Office
300 N. Washington Square
Lansing, Michigan 48913

Dear Ms. Bishop:

I hereby confirm and ratify my designation of Michael B. Kapp, Administrator, Michigan Department of Transportation, as the person authorized and empowered to act in my stead for Michigan Strategic Fund meetings that I am unable to attend.

Sincerely,

Bradley C. Wieferich, P.E.
Acting Director

cc: M. Kapp
Executive File

RESEARCH UNIVERSITIES FOR MICHIGAN

MICHIGAN STATE UNIVERSITY

Michigan Tech

UNIVERSITY OF MICHIGAN

WAYNE STATE UNIVERSITY

September 21, 2026

MSF Fund Manager
MEDC
300 N. Washington Square
Lansing, Michigan

Dear Fund Manager,

This is to advise that I am recusing myself from voting and excuse myself during the discussion of the **University of Michigan Alumni Association Bond Authorization** because the recipients is associated a member of my organization. The recipient – **University of Michigan Alumni association** – is affiliated with the University of Michigan and presents the appearance of a potential conflict of interest during the Michigan Strategic Fund Board Meeting on Tuesday, September 22, 2026.

Many thanks –

Britany Affolter-Caine
Executive Director
Research Universities for Michigan (RU4M)

Opponents of the Arbor South Brownfield Plan

c/o Thomas F. Wieder,
2445 Newport Rd. Ann Arbor, MI 48103
wiedert@aol.com,
(734) 645-4758

August 17, 2026

Mr. Quentin L. Messer, Jr.
Michigan Economic Development Corporation
300 N. Washington Square
Lansing, MI 48913

Dear Mr. Messer:

We are an *ad hoc* group of City of Ann Arbor and Washtenaw County residents who are strongly opposed to the pending Arbor South Act 381 Brownfield Redevelopment Plan. It is anticipated that the Plan will be presented to you for consideration at your August 25, 2026 meeting.

The undersigned include current elected officials, former elected officials, appointed public officials, community activists, business owners and other interested individuals.

We have been brought together by our shared belief that the Arbor South Plan is bad public policy, with seriously negative consequences for our communities. We believe that the Plan is not consistent with the intent of the brownfield program, and that its scale is breathtakingly excessive.

If implemented, the Plan would divert as much as $374 million in future local and state tax revenue from a broad variety of important public activities to a private developer, with little or no public benefit in return. There is little, if any, evidence that the Plan would have any significant economic development impact in a community where robust private market activity is fulfilling those needs.

The Plan may have a distorting effect on local development activity, favoring a single project with a massive subsidy not available to numerous other worthwhile projects.

As a threshold matter, we believe that the Plan is not even eligible for Brownfield consideration. It doesn't meet the requirements set forth in Act 381. Unfortunately, our local bodies responsible for reviewing brownfield projects have completely disregarded substantial, credible and persuasive input from multiple professional sources supporting this conclusion.

It is also disconcerting that there are indications that political influences and conflicts of interest may have fueled approval of the Plan.

Accompanying this letter is a Memorandum, and an Addendum thereto, prepared by one of the signers of this letter, Thomas F. Wieder. Mr. Wieder is an experienced Ann Arbor attorney who has been investigating the issues relating to Arbor South since the possibility of brownfield funding for Arbor South became apparent in 2025. He has been assisted in this effort by qualified environmental and property valuation experts and others.

The Memorandum and Addendum set forth our conclusions and recommendations that the Arbor South Plan be rejected. Short of that, we urge the Strategic Fund Board to postpone a decision on the Plan until the serious unaddressed issues presented in the Memorandum may be properly and thoroughly addressed.

It is our intention to have several members of our group address you during the August 25 meeting. We are somewhat constrained in this, however, because we have not had access to materials submitted to the MSF by or on behalf of the developer, as well as any staff reports. A FOIA request was previously filed, but has been rejected, virtually in full.

Thank you for your attention and consideration.

Very truly yours,

Yousef Rabhi (Spokesman) – Washtenaw County Commissioner, former State Representative, City of Ann Arbor "Mayor-Elect" (Commissioner Rabhi is unopposed in the November election.)

Vivienne Armentrout – Former Washtenaw County Commissioner – Pittsfield Township.

Anne Bannister – Former Ann Arbor City Councilmember, Financial Advisor.

Susan Baskett - Ann Arbor Public Schools Trustee.

David DeVarti – Washtenaw Community College Trustee and Treasurer.

John Godfrey – Retired Assistant Dean, University of Michigan Rackham School of Graduate Studies, neighborhood association president.

Kathy Griswold - Former Ann Arbor City Councilmember. Former executive, Unisys Computer Company.

Ruth Hatcher, Washtenaw Community College Trustee.

Will Hathaway – Former Scio Township Supervisor, Local business owner.

Sumi Kalisapathy - Former Ann Arbor City Councilmember, Accountant.

Christina Lirones – Former Pittsfield Township Clerk and Treasurer. Farm business owner.

Robert W. Marans – Member, Washtenaw County Parks and Recreation Commission; Member, Huron Clinton Metropolitan Authority Board, Professor Emeritus of Architecture and Urban Planning in the Taubman College of Architecture and Urban Planning at the University of Michigan.

Elizabeth Nelson, J.D., Former Ann Arbor City Councilmember.

Eileen Peck - Washtenaw Community College Trustee.

Ali Ramlawi - Former Ann Arbor City Councilmember, local business owner.

Daniel Rubenstein – Former Ford Motor Co. executive, Policy Analyst, Neighborhood association leader.

James Walter - Former Washtenaw County Commissioner, Washtenaw County Planning Commission member, Pittsfield Township Supervisor.

Thomas F. Wieder – Attorney, Ann Arbor Township.

(It is anticipated that additional signers will be provided before the MSF meeting.)

Memorandum re: Arbor South Brownfield Plan

Author: Thomas F. Wieder

(About the Author: Mr. Wieder is an Ann Arbor attorney and has been a resident of the Ann Arbor community since 1968. He has served on several City of Ann Arbor public bodies and worked in the Ann Arbor City Administrator's Office. He has degrees in History, Public Policy and Law from the University of Michigan. He has been researching, writing and publishing information about the Arbor South project since 2025.)

The Arbor South Proposal is an Abuse of the Brownfield Program

(Editorial Note: The Arbor South project is an effort of several different business entities in concert. For the purposes of this discussion, the term "the developer" incorporates all of those entities. The lead developer is Oxford Properties, sometimes referred to herein as Oxford.)

Executive Summary

Introduction

Arbor South is a proposed mixed-use development near the southern boundary of the City of Ann Arbor. Present plans for the project would include approximately 1,000 apartments, 800 of which would be market rate, and 200 designated as affordable. It also includes first-floor retail and restaurant space, and a hotel.

Opposition to Arbor South is not based on the nature of the project, itself. While its benefits have been significantly oversold, its addition to the Ann Arbor housing supply is a positive feature.

Opposition to the project is grounded in the financing method which would produce it. The Arbor South plan ("the Plan") features a tax capture of as much as $374 million, and of at least $329 million. Of this, $206.6 million would come from local taxes and $122.6 million from school taxes. The Michigan Strategic Fund ("MSF") is being asked to provide the latter amount to the Ann Arbor Public Schools to "make it whole."

This degree of public subsidy is totally unprecedented, dwarfing anything that has come before it in traditional brownfields. The tax capture would deprive local governmental bodies and agencies

of future tax revenues which will be necessary to meet the needs of the existing and growing Ann Arbor area.

The property on which Arbor South would be built is slightly less than 20 acres. There has been little development on the property since it was used for agricultural purposes. For a number of years, it has been used as parking for two adjacent office buildings.

The bases claimed for brownfield eligibility - "facility" status and functional obsolescence - are either not demonstrated at all, or addressing them would require expenditures of, at most, one percent of the tax capture amount, and probably much less.

Persuasive evidence and arguments countering the eligibility bases were presented to the local authorities, but they were not even considered.

Supporters of the project make no serious effort to support claims that the project would produce economic development results.

Largest Traditional (TIFF) Brownfield project to date: The Arbor South Brownfield Plan appears to be the largest traditional brownfield project in the history of the Brownfield Redevelopment Financing Act. It includes a projected 30-year tax capture of as much as $374 million. The tax capture rate is 100% of the taxes that would be produced.

By contrast, the Flint-Buick City project is the largest traditional brownfield project previously approved. It is designed to revitalize approximately 350 acres of heavily polluted, former industrial property. The resulting Flint Commerce Center is projected to produce 2500-4000 jobs. The tax capture will be $70 million, less than one-fifth of the Arbor South capture amount, and the capture rate is 80%.

Arbor South does not advance the goals of the Brownfield Act. The Plan covers about 20 acres. Most of the property has never been significantly developed, is not tax reverted, blighted or functionally obsolete. There are minimal, if any, existing environmental problems requiring any significant expenditures. Although future economic development has been claimed as a benefit of the project, no attempt has been made to define or quantify any economic development benefits.

Heavily subsidized private development is not needed in Ann Arbor. Real property within the City of Ann Arbor, in areas just beyond the city limits, and in the immediate area of the city in which Arbor South would be located, is experiencing a building boom. Housing projects – completed, under construction or in the development process - are producing new housing for nearly 25,000 people. (See, "50-plus Ann Arbor Developments to Watch in 2025,"

https://www.mlive.com/news/ann-arbor/2025/01/50-plus-ann-arbor-developments-to-watch-in-2025.html)

These projects represent upwards of $2 billion in new investment. Little more than a handful of those housing units rely upon any taxpayer support.

Picking one "Winner" and many "Losers."

Approval of Arbor South would afford the developer of the project a huge and unfair competitive advantage over other, unsubsidized projects. It goes beyond "picking winners and losers." It picks one winner and leaves all others to fend for themselves, which they are doing. Residents of the city and county will lose the value of government programs and services.

"Facility" status is not demonstrated. Eligibility for brownfield benefits is sought based on the claim that a very small portion of the project area qualifies as a "facility." There is no contemporary evidence to support that. There was a single release on the site in 2003 and nothing since. Significant remediation activity, natural attenuation and the application of institutional controls establish that the site no longer qualifies as a facility as defined in the applicable statute.

The environmental engineering and consulting firm that did the only onsite monitoring and assessment activity, said this: "While it appears that facility status is not likely to be demonstrable at this time, that is not certain. What is certain is that there is insufficient data to support a conclusion that the Parcel is currently a facility."

Functional Obsolescence is not demonstrated. The developer hired a private assessor from another county to provide the required affidavit of functional obsolescence, but it is woefully deficient in several respects. Specifically, he claimed, without support, that the value of the subject property had declined by more than 50%. The Ann Arbor City Assessor provided official data showing that the property has increased in value over the preceding decade. The amounts paid by the developer to purchase the parcels constituting the project, as well as other nearby real estate activity, demonstrate extremely high valuations of the property.

The tax capture amount is grossly excessive. The tax capture amount is 100-300 times the amount of eligible environmental activities. The tax capture would divert more than $200 million in future revenue that would otherwise fund a wide range of more than two dozen Washtenaw County and City of Ann Arbor programs and services. The tax capture would require state funding of more than $120 million to make the Ann Arbor Public Schools whole. The capture amount of $374 million is more than three times the total capture of approximately $112.5 million for all of the previous 36 Washtenaw County Brownfield Authority ("WCBRA") projects.

The promise of affordable housing is illusory. The most vociferous argument for the project by the proponents is the prospect that it will produce an amount of affordable housing. It is, as of the date that this is written, just a "prospect." More than five months after the Ann Arbor City Council approved the Arbor South Plan, a necessary agreement between the developer and the Ann Arbor Housing Commission has yet to materialize, and it is not certain to do so.

Other matters. There are legitimate concerns about the financial soundness of the developer, possible conflicts of interest, questionable representations made during the consideration of the project and the possible role of political contributions.

The Claimed Eligibility for Brownfield Benefits for a "Facility" is Not Demonstrated.

The developer of the Arbor South project has been assembling properties for this project for a number of years. The total project consists of 19.454 acres. Its holdings also include two adjacent, active, modern office buildings which would be connected to the project for an overall area of 24.554 acres. The total investment is in the tens of millions of dollars.

The most recent acquisition is a .733-acre parcel which the developer purchased for $4.7 million. That parcel contains a gas station, convenience store and restaurant building which was constructed just ten years ago, replacing existing structures. The business operated successfully until November 2025, when the developer closed it. The parcel is the only portion of the holdings where there is even an assertion of environmental difficulties. And that is based on a single occurrence more than two decades ago – 2003. No testing on the site has been conducted since 2009.

There simply is no support for the claim that this parcel is a facility at this time. Facility is a definition in the brownfield statute. It is not an opinion; it is not a memo in a file; it is not an internal EGLE email, which is what the developer and the Washtenaw County Brownfield Authority staff urge. It is this - a set of current physical characteristics:

> **Michigan Compiled Laws Section 324.20101 Definitions. ...**
>
> (s) "Facility" means any area, place, parcel or parcels of property, or portion of a parcel of property where a hazardous substance in excess of the concentrations that satisfy the cleanup criteria for unrestricted residential use has been released, deposited, disposed of, or otherwise comes to be located. Facility does not include any area, place, parcel or parcels of property, or portion of a parcel of property where any of the following conditions are satisfied: ...

(i) Response activities have been completed under this part or the comprehensive environmental response, compensation, and liability act, 42 USC 9601 to 9675, that satisfy the cleanup criteria for unrestricted residential use.

(ii) Corrective action has been completed under the resource conservation and recovery act, 42 USC 6901 to 6992k, part 111, or part 213 that satisfies the cleanup criteria for unrestricted residential use.

(iii) Site-specific criteria that have been approved by the department for application at the area, place, parcel of property, or portion of a parcel of property are met or satisfied and hazardous substances at the area, place, or property that are not addressed by site-specific criteria satisfy the cleanup criteria for unrestricted residential use.

(iv) Hazardous substances in concentrations above unrestricted residential cleanup criteria are present due only to the placement, storage, or use of beneficial use by-products or inert materials at the area, place, or property in compliance with part 115.

(v) The property has been lawfully split, subdivided, or divided from a facility and does not contain hazardous substances in excess of concentrations that satisfy the cleanup criteria for unrestricted residential use.

(vi) Natural attenuation or other natural processes have reduced concentrations of hazardous substances to levels at or below the cleanup criteria for unrestricted residential use.

Note the underlined portions of the statute. They are crystal clear – if any one of several conditions is met, the parcel ceases to be a facility. That is the case here. Conditions (i), (ii), (iii), (v) and (vi) are all satisfied.

The reality is that absolutely no one knows, with certainty, the current physical condition of the subject parcel. No physical assessment of the property, no determination of its condition, has been made in the last seventeen years – since 2009.

Based on known facts - and the parameters applied by the Michigan Department of Environment, Great Lakes and Energy ("EGLE") - it is most likely that the parcel is not now a facility... and that is what matters.

The statute does not set forth a procedure to determine if the statutory definition fits the facts on, and in, the ground. The burden of demonstrating current facility status falls on the developer, which is seeking massive tax benefits based upon such a determination.

Unfortunately, the developer, as well as the City of Ann Arbor, the WCBRA and the Washtenaw County Board of Commissioners ("BoC"), all of whom are unabashed boosters of the project, have been assiduously avoiding addressing this issue.

Why would the developer want to purchase a property with a possible pollution problem at such a price? It is likely that it wanted the property - not in spite of the possible pollution - but because of it. By adding this small parcel to the two larger properties, it seeks a basis to qualify the project for brownfield treatment, and the huge subsidy that that designation would bring.

History of the Site

The project site has none of the usual hallmarks of a brownfield. None of the 19.454 acres included in the Plan has ever been used for industrial activity. There are no abandoned structures on the three parcels which constitute the total project property.

Prior to 1968, the only use of the three parcels was agricultural. At that time, a gas station was built on one of the three parcels, occupying just .733 acres. The address is 2991 S. State Street, in the City of Ann Arbor. The gas station has been remodeled and totally reconstructed a number of times over the decades since to update its gas station design and to accommodate, variously, convenience retail, a car wash and restaurant activities. In 2015, the existing structures were totally demolished, and a completely new building was constructed. At that time, the existing Underground Storage Tank ("UST") system was removed and a new one installed.

In 1977, a ten-story office building was constructed by the Bechtel Corporation on an adjoining parcel of land, which is not part of the proposed brownfield site, but which is also owned by the developer. It is now known as the 777 Eisenhower building.

In 2005, a three-story office building, known as the 789 building, was constructed on a parcel of land adjoining the 777 building. It is also not part of the proposed brownfield site, but it is also owned by the developer.

The 777 and 789 buildings continue to be occupied by a number of tenants, including the University of Michigan. It is actively marketed for rental at market rates.

The Plan does include two other parcels: 2845 S. State St. - 10.633 acres, and 2800 Boardwalk Drive - 8.088 acres.

The only use that has been made of these latter two parcels, post-agricultural, has been for parking for the office buildings. For nearly three decades, this was only surface parking. After the 789 building was completed in 2005, a single deck was constructed over part of the surface parking lot.

The gas station parcel was acquired by one of the developer entities in 2022 for $4.7 million and sold to another developer entity in July 2025, also for $4.7 million. The gas station remained in operation until about November 2025, when the developer closed it.

More than two decades ago, in November 2003, a leak from the UST system located on the gas station parcel released an undetermined amount of gasoline product. Shell Oil Products US retained Groundwater & Environmental Services, Inc. ("GES") to perform assessment and monitoring activities.

GES is a national environmental consulting, engineering, remediation, compliance and technical services company, with dozens of locations across the U.S. - including a local office in Brighton, Michigan - which employs more than 425 environmental professionals.

GES conducted several phases of investigations and monitoring activities from 2003 through 2009.

The Author of this Memorandum retained GES to review and clarify the results of its 2003-2009 work as it relates to the Arbor South project, and to provide its professional opinion about the current condition of the property. Mr. Scott McWhinnie, a hydrologist and Environmental Consultant with GES, prepared a report, "Memorandum – Former Shell Station, State and Eisenhower, Status," July 2026, which is attached hereto as Exhibit A.

In 2004, GES conducted a Phase II Environmental Site Assessment ("ESA"). The EPA describes a Phase II ESA as follows (Doc. 560-F-23-001 July 2024):

> **Phase II Environmental Site Assessment**
>
> The Phase II Environmental Site Assessment ("ESA") is recommended if the Phase I Environmental Site Assessment results reveal known or potential contamination found on the property, sometimes called recognized environmental conditions (RECs). An environmental professional develops a sampling plan to evaluate the potential presence of contamination from hazardous substances and petroleum on the property and determines the sources and exposures. ...They will:
>
> **Identify chemicals of concern.** Determine contaminants likely to be present in soils, groundwater or vacant structures based on property history.
>
> **Sample and test soil, groundwater and other media.** Develop a sampling plan for the property. Collect and analyze samples to determine type and distribution of contaminants.

Further investigate areas of concern. Review results and target sampling to find localized hot spots (high-risk areas) and extent of contamination.

Develop plans for cleanup, if needed. Cleanup for reuse prevents and minimizes exposures. The plan considers layout of structures, open areas, slope of the property and contaminants.

On April 8, 2004, GES filed a Phase II ESA report with what is now EGLE (Michigan Department of Environment, Great Lakes and Energy). It indicated that further groundwater testing and monitoring were required. It also stated: "A review of site data reveals that the site may present a short-term (0-2 years) threat to human health, safety, or sensitive receptors." (emphasis added)

Also in 2004, soon after the leak was discovered and reported, Shell placed a restrictive covenant ("RC") on the property prohibiting its use for Residential, Commercial Subcategory I and Commercial Subcategory II activities as defined by the Michigan Department of Environmental Quality. ("MDEQ")

> GES conducted several phases of investigations and monitoring activities from 2003 through 2009. Soil samples were collected for laboratory analysis from 26 locations across the site from depths ranging from 6 feet to 42 feet below grade level. Groundwater samples were collected from site wells during multiple gauging and sampling events between 2003 and 2009.
>
> Exhibit A, p. 2.

On June 23, 2010, GES filed a Leaking Underground Storage Tank Closure Report with MDEQ. The Closure Report serves as the conclusion of the activity in response to the leak.

Key findings as detailed in the 2010 Closure Report:

> No free product source material had been discovered at the site.
>
> No impact or contaminants were found to be migrating offsite. There were no open pathways for contaminant compounds to migrate offsite.
>
> The last subsurface chemical analytical data was collected in 2009. Natural attenuation has been occurring for 17 years in the subsurface.
>
> No site-specific risk-based evaluations have been performed utilizing site data to generate site-specific residential cleanup values to find if site concentrations are below site-specific residential cleanup criteria and therefore not a facility. The EGLE closure process allows for the generation of new residential criteria based on the characteristics and data from the site. Site-specific cleanup criteria are

typically less conservative than the generic residential cleanup criteria that are meant to be protective under all conditions across the state."
Exhibit A, p. 2.

At the time of the closure, over 90% of the Parcel was free of any hazardous material above the limits permitted for any property use, including the most sensitive - unrestricted residential use. Groundwater was the only material containing contaminant compounds above the residential cleanup limits. Soil and air were within those limits. At the time of the 2010 closure report, an area of approximately 3,000 square feet contained all of the wells impacted above residential criteria and presumably represents the total of area of the Parcel that could currently be above residential cleanup criteria.

Exhibit A, pp. 2-3.

The 2010 Closure Report was a Commercial Category III Closure, meaning that the parcel could be used for purposes listed in Commercial Category III, but not for residential or Commercial Categories I and II. Commercial Categories I and II did not include hotel use, which is Arbor South's intended use of the parcel.

Those categories are no longer meaningful. In 2015, Section 201 of the Natural Resources & Environmental Protection Act ("Part 201"), MCL Section 324.20101, was amended. Properties are now placed in one of two categories – residential and nonresidential.

(ii) "Nonresidential" means that category of land use for parcels of property or portions of parcels of property that is not residential. This category of land use may include, but is not limited to, any of the following: ...

(iii) Hotels, hospitals and campgrounds.

MCL 324.20101(ii) Definitions.

Because hotel use of that parcel, which is what Arbor South provides for, is explicitly stated to be a nonresidential use, no further site remediation would be necessary for the Arbor South project to proceed.

Beginning in 2013 and continuing to 2025, a number of additional assessments of the parcel were conducted and reports filed with EGLE. None of these assessments, however, included any physical testing on the site. These were either Baseline Environmental Assessments ("BEAs") or Phase I ESAs. All of these assessments were performed by PM Environmental ("PM") for prior owners of the site and for the developer.

Most important, BEAs and Phase I ESAs do not establish anything for purposes of brownfield eligibility. They are little more than documents intended to protect new purchasers of property from liability for pollution which may have occurred before their purchase. They amount to a statement: "Here's what we found when we got here, don't come after us."

Here is how EGLE describes a BEA filing:

> ## EGLE
>
> ### Baseline Environmental Assessments (BEAs)
>
> Liability protection for new or prospective owners or operators of contaminated property
>
> **Introduction**
>
> A person can buy, lease, or foreclose on contaminated property and be protected from liability for cleanup of existing contamination (provided they did not cause the contamination) if they conduct a baseline environmental assessment (BEA) and disclose it to the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and subsequent purchasers and transferees of the property, as outlined under Part 201 (Environmental Remediation) and Part 213 (Leaking Underground Storage Tanks) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA)
>
> Rev. 3/2026

Similarly:

> **U.S. Environmental Protection Agency** (Doc. 560-F-23-001 July 2024) **states**:
>
> ### Assessing Brownfield Sites
>
> **Phase I Environmental Site Assessment**
>
> The Phase I Environmental Site Assessment (ESA) uses existing information to help a community understand the property conditions by examining current and historical uses of the site and potential threats to human health or the environment. Environmental assessments must be completed or overseen by an environmental professional, which may include a licensed geologist, engineer or site professional. (emphasis added)

They will:

Review records. Examine past and current land uses through property photographs, maps and historical records.

Review government databases. Examine ownership and environmental records related to managing or disposing of hazardous substances and petroleum products.

Visually inspect the site. Visit the site and nearby properties to observe current conditions.

Interview owners, neighbors and past workers. Find out what they know about site operations involving wastes and chemicals.

A Phase I Environmental Site Assessment also helps to determine who is potentially liable for environmental contamination found on a property. Performing a Phase I Environmental Site Assessment prior to owning a property is often equivalent to conducting All Appropriate Inquiries (AAI), a necessary practice for obtaining liability protection under CERCLA [Comprehensive Environmental Response, Compensation, and Liability Act. Widely known as Superfund] for prior contamination. When a **potential owner conducts AAI** (in compliance with the regulations at 40 CFR 312) on a brownfield, **he/she may have a defense to liability** if contamination is later discovered.

Unlike a Phase II ESA, neither a BEA, nor a Phase I ESA, requires on-site physical testing.

In 2013, a Phase I ESA of the property was done by PM for the then-owner, who was seeking an SBA guaranteed loan. PM certified that "No Recognized Environmental Conditions" ("RECs") existed on the site at that time. This included surface/subsurface contamination, USTs, generation of hazardous waste and unresolved regulatory compliance violations. Since a Phase I assessment does not require testing activities, none were conducted at that time. The report stated: "No further investigation is warranted."

In 2015, the owner of the property decided to revamp its activities on the site. The existing buildings were demolished. A new building was constructed which included gas station activities, a convenience store and a restaurant. The entire UST system was removed and replaced with a new one, including double-walled fiberglass fuel tanks. Soil was excavated and taken to a landfill.

Whenever USTs are removed for any reason, the owner is legally required to physically assess the conditions of the tanks and the soil, and to report these findings. The UST program is run by the

Bureau of Fire Services ("BFS"), which is part of the Michigan Department of Licensing and Regulatory Affairs ("LARA"). UST inspections and other activities are conducted by BFS.

The BFS was recently contacted to obtain an assessment report on the site conditions when the tanks were removed in 2015. Mike Charbonneau, Supervisor of BFS for Region 1, which includes Ann Arbor, responded. He stated that BFS had not been informed of the 2015 UST replacement and soil removal. He said that a full assessment may have been conducted, but that no assessment report had been filed. He said, "They owe us an assessment report."

(There is an interesting, and perhaps telling, sidelight to this story. In March 2016, after the 2015 actions on the site, The Ann Arbor Observer, a monthly Ann Arbor magazine, ran a story titled: "An Environmentally Sensitive Gas Station, Joseph Kafi Cleans Up the Corner of State and Eisenhower." It detailed all the steps that the then-owner had taken to clean up the site and make his business a "model of sustainability." (Exhibit B, attached.)

Bonnie Bona, then project manager with the Clean Energy Coalition and an Ann Arbor Planning Commission member, worked with Mr. Kafi on a number of his sustainability efforts. She said, "He's very conscious of that building's relationship to the buildings in the area, and thinking about doing the right thing - I saw him trying to be more than a gas station. That's really leadership. That's stepping out. We don't always get that with gas stations.")

While this reporting does not definitively establish the physical condition of the parcel, it strongly argues for contemporary site analysis, rather than reliance on very old data.

And yet, a decade later, the developer is trying to secure a $329 million tax break based, in no small measure, on the unsupported claim that the site is still polluted. Unfortunately, it has been aided by the city, the county and the brownfield authority, who choose not to look at any data that is less than seventeen years old, or to obtain current data.

Ann Arbor City Administrator Milton Dohoney publicly responded to the Observer article. He noted that consultant PM had "reviewed the files and history of the site again," relying on the seventeen-year-old data. Mr. Dohoney asserted that the site hasn't been proven to be "clean." This is to turn things on their heads. The developer wants a huge benefit based on the site allegedly being "dirty;" it should be required to demonstrate that that is the case, not the other way around.

(Mr. Dohoney went on to cite the 2004 Restrictive Covenant prohibiting residential use of the property. This is totally irrelevant. As noted above, the use that the developer says it will make of the parcel – a hotel - is statutorily defined as nonresidential, and not prohibited by the RC.)

State statutes and regulations require the removal of USTs that are no longer being used. This is required in all situations, even those where no contamination has ever occurred. Because the developer subsequently closed the gas station, in November 2025, it is legally required to remove the tanks and perform a ground assessment.

Even if the developer were to withdraw its request for brownfield benefits, or if the MSF denied it, the developer would still have to remove the tanks.

On April 16, 2026, BFS informed the developer that it was required to satisfy all the requirements of a permanent UST closure, including in-ground testing.

On May 13, 2026, the developer filed an "Intent of Removal, Closure or Change-in-Service of Underground Storage Tanks" and stated that it would remove the USTs and associated piping. BFS authorized the developer to proceed with those activities, which must be completed within six months.

The testing requirements for this assessment are extensive and specific, designed to detect and measure contaminants on the site and report them to BFS.

> When the required testing for the UST system closure is performed, there is a significant possibility that current site data will show a reduction of contaminant concentrations, if any remain, to levels which pose no threat to health or safety. Exhibit A, p.5

These procedures may answer the question about whether the parcel remains a facility.

In September 2022, PM prepared a Phase I ESA for Grand Venture Associates, LLC ("GVA") which is affiliated with Oxford, and for a prospective lender.[7] The report contains some rather odd language; "Review of previous site assessment activities documents that contamination remains on-site above current Part 213 Residential and Nonresidential RBSLs." (emphasis added)

How could "previous" assessment activities document what "remains" in the present? The report identifies no assessment activities occurring after GES's 2010 Closing Report, which was the last time that any actual testing took place on the site.

The report continued:

> Verification of the presence of contaminants potentially associated with this REC [the 2003 release] may be determined through a Phase II investigation at the request of the client. ...PM recommends that the current owner provide the documentation of sampling completed for the 2015 replacement activities to document that appropriate sampling was completed. If the documentation is not available, additional investigation of the UST system may be necessary.

In October 2022, the property was purchased by GVA $4.7 million.

In November 2022, PM filed a BEA on behalf of GVA. In that report, PM stated:

> Between November 2007 and November 2009, GES completed several vacuum truck extraction (VTE) events and additional soil and groundwater sampling activities in the impacted areas. The data collected indicated that the soil and groundwater contamination was fully delineated, contamination levels were shown to be steady or decreasing, and the remaining contamination was below current Part 213 Tier 1 Residential and Nonresidential DC and SVII RBSLs. (emphasis added)

In October 2024, PM provided to Eisenhower State Land Development Company, LLC ("ESLDC"), another developer entity, a Phase I ESA of the property. It stated: "In 2015, a former UST system was removed...and the current system was installed in the same basin. ...PM cannot comment on what sampling and site assessment activities were conducted at that time."

PM also reviewed available LARA UST records, which indicated: "All inspections/tests passed."

Later in October 2024, PM prepared a BEA for ESLDC. It did not contain any new information not contained in the above reports.

According to Ann Arbor City Assessor records, on July 14, 2025, the property was conveyed to Eisenhower State Vertical Phase II, another developer entity, for $4.7 million.

This record strongly suggests that the property is no longer a "facility," and its inclusion in the project cannot be a basis for brownfield treatment of the project. At the very least, this record does not support a conclusion that the property is still, 23 years after the leak incident, a facility.

As noted above, a site can lose facility status if any of six conditions occur, including "completed response activity," "corrective action," "site-specific criteria, "property division" and "natural attenuation."

Response activities:

> Michigan Compiled Laws Section 324.20101(s)
>
> (i) Response activities have been completed under this part or the comprehensive environmental response, compensation, and liability act, 42 USC 9601 to 9675, that satisfy the cleanup criteria for unrestricted residential use.
>
> 42 U.S. Code § 9601
>
> Definitions.

(25) The terms "respond" or "response" means remove, removal, remedy, and remedial action; all such terms (including the terms "removal" and "remedial action") include enforcement activities related thereto. ...

The UST system and soil removals reported and described above are likely to have satisfied this condition.

Corrective Action:

(ii) Corrective action has been completed under the resource conservation and recovery act, 42 USC 6901 to 6992k, part 111, or part 213 that satisfies the cleanup criteria for unrestricted residential use.

In July 2025, EGLE adopted its Risk-Based Corrective Action approach to classification of properties. It provides that a "corrective action" under subsection (ii), above, may be achieved by "institutional controls." (As noted above, the RC prohibiting use of the property for residential purposes is not controlling, because the planned hotel for the site is defined as a nonresidential use.)

However, "corrective action" also includes the circumstance that the property is subject to a local groundwater use ordinance. Ann Arbor has such an ordinance, which prohibits use of groundwater and requires use of the city's municipal water system. Given this, the state of any groundwater contamination becomes irrelevant. This provision is designed to preclude requiring expensive or technically unfeasible mediation activities which are unnecessary to protect health and safety.

Exhibit A, p. 6.

Site-Specific Criteria

The definition of facility has a specific exclusion for sites where site specific residential cleanup criteria is developed and approved by the Michigan Department of Environment, Great Lakes, and Energy (EGLE). Currently the state has adopted a risk-based approach to site contamination and closures. Site owners can develop site specific residential criteria following methods prescribed by EGLE in their Michigan Risk Based Corrective Action (MIRBCA) guidance. The MIRBCA approach allows for the development of representative criteria that are appropriate for the site conditions. This allows sites that may have contaminants on site that are above the generic unrestricted residential levels to be closed

without restrictions and not a facility. This is a desktop exercise using the existing data and does not require the collection of additional groundwater sample data.

(Exhibit A, p. 6.)

Property Division

There is a question regarding the applicability of a facility designation beyond the area specifically identified as containing contaminants at concentrations above residential limits. As noted above, a facility is defined as:

...any area, place, parcel or parcels of property, or portion of a parcel of property where a hazardous substance in excess of the concentrations that satisfy the cleanup criteria for unrestricted residential use has been released, deposited, disposed of, or otherwise comes to be located. Facility does not include any area, place, parcel or parcels of property, or portion of a parcel of property where any of the following conditions are satisfied: ...

(v) The property has been lawfully split, subdivided, or divided from a facility and does not contain hazardous substances in excess of concentrations that satisfy the cleanup criteria for unrestricted residential use.

In this situation, the gas station parcel has never been joined with the adjacent parcel. The release occurred many years before the property became owned by the Applicant.

The two other parcels included in the Project site total 18.722 acres. There has never been a release on those two parcels which would make them eligible for brownfield benefits. The intent of the Applicant is to confer eligibility to those parcels by associating them with the .733-acre parcel where a release occurred.

The statement that a facility can be a portion of a property suggests that the part of a property that does not contain any contaminant compounds in excess of residential cleanup criteria is not a facility. At minimum, the facility designation should not encompass additional properties unless they too are shown to be impacted above residential cleanup limits. Therefore, extending a broad definition that a location is a facility should not then include areas either known to be clean of contaminant compounds or where there is no evidence of a contaminant substance release.

(Exhibit A, pp. 6-7.)

Natural attenuation:

(vi) Natural attenuation or other natural processes have reduced concentrations of hazardous substances to levels at or below the cleanup criteria for unrestricted residential use.

> At least 17 years have elapsed since the last data was collected at the site. During that time physical and biological processes are occurring that break down contaminant compounds. This is considered natural attenuation. Natural attenuation includes such things as the breakdown of petroleum products by bacteria and dilution through years of groundwater flow through the site.
>
> Monitored natural attenuation is a viable remedial method that is defined by the Office of Solid Waste and Emergency Response.
>
> Based on the likelihood that the site has experienced natural attenuation for an extended period of time, there is a potential that contaminant concentrations are below current Michigan clean up criteria for residential land use. To verify whether the facility still meets the definition of a facility, additional testing of site groundwater would be warranted.
>
> (Exhibit A), pp. 7-8.

As far back as 2010, most of the onsite contamination levels were compatible with unrestricted residential use. It is not unlikely that all levels are now at or below criteria for unrestricted residential use.

Before this parcel is used to justify any brownfield subsidy, let alone the massive one provided for in the Plan, a thorough and independent assessment of the current state of the property should be conducted. Alternatively, the city groundwater use ordinance institutional may make this unnecessary.

Unfortunately, the unsupported assumption that the property is presently a facility has been repeatedly promoted by a number of parties involved in this matter.

At the February 11, 2026 meeting of the WCBRA, the representative of the developer, Andy Andre said this (from transcript of the meeting):

> As part of the brownfield submission, I think that you have in front of you is a Phase I ESA that was completed in October of 24. Within that document, there are recognized environmental conditions that were noted. One of the RECs specifically indicates in that previous site assessment activities documents that contamination

> remains on site above current Part 213 residential and non-residential based screening levels. ... And then also in just recently, most recently in October of 24 BEA was filed with the state regarding the leaking underground storage tanks at the location."

These statements are all false. There is no data showing that "there are" Recognized Environmental Conditions on the site. There is no evidence that contamination remains on the site. There are no "leaking" USTs on the site.

Board member James Harless said this: "The components of fuel still on the site could potentially impact vapor intrusion issues if groundwater is impacted, soils impacted... With the BEA filed and the data that's available, it is a contaminated site..." There is, of course, no data more recent than seventeen years ago regarding what is actually on the site, no basis to state that it is a contaminated site.

After the meeting, the following conversation took place between the Author and Mr. Harless:

> Thomas Wieder: "What support do you have for your statement that the site is still contaminated?"
>
> James Harless: "A BEA report was filed."
>
> Wieder: "How the does the filing of a BEA report by the developer's consultant establish that there is still contamination on the site?
>
> Harless: "The state accepted it."
>
> Wieder: ""What do you mean that the state accepted it? That the state acknowledged receipt of the report, or that it accepted its conclusion?"
>
> Harless: "You need to ask the state what it meant by 'accepted.'"

"The state" doesn't assign any meaning to "accepted," because it does not use that term and did not in this instance.

EGLE merely acknowledged receipt of the report, stating:

> **ACKNOWLEDGEMENT OF RECEIPT OF A BASELINE ENVIRONMENTAL ASSESSMENT**
>
> The Michigan Department of Environment, Great Lakes, and Energy (EGLE) received a Baseline Environmental Assessment (BEA) for [2991 S. State St., Ann Arbor, MI 48104] that was submitted using the Remediation Information Data Exchange (RIDE). This is your acknowledgement that EGLE has received and will

record the BEA. EGLE maintains an administrative record of each BEA as received. A BEA is submitted for the purpose of establishing an exemption to liability for a new owner or operator of property... EGLE does not review BEAs to determine the adequacy of the submittal.

(January 10, 2025)

In short, the BEA filed on behalf of the developer in January 2025, the most recent assessment of any type filed, establishes absolutely nothing about the current physical state of the property.

Given all these facts, what is the basis for the claim that the parcel is, at this time, a facility? It rests on a March 17, 2026 internal email sent from one EGLE employee to another, prepared in response to a request from Mr. Nathan Voght, the WCBRA's staff person. It was provided to the BoC" for its April 15, 2026 meeting. Notably, the email was not provided to the Ann Arbor City Council or the WCBRA before making their decisions, because it had not yet been written.

The email was cited by Mr. Voght as conclusive on the issue of whether the gas station parcel is still a facility. The email does not establish that. Moreover, EGLE's own procedures, practices and activities indicate that there is no confirmation of facility status at this time.

The email says absolutely nothing about the current physical condition of the site. It states: "EGLE confirms that Parcel 09-12-04-300-048...**is considered a facility** based on the available data in the site files." The bolded language is in the original document, and it is quite important.

EGLE does not routinely conduct site assessments. EGLE "considers" a site which was previously deemed to be a facility, to continue to be categorized as a facility, unless and until EGLE receives information that indicates that conditions have changed. This is described by Mr. McWhinnie as "the last piece of paper in the file" approach. There could be full remediation of the site, or natural attenuation, but EGLE would not know that this is the case, unless that information is reported to it. What EGLE "considers" is the paperwork in its files, not what is actually in the ground.

When additional, current information is reported, the EGLE categorization could be changed to not a facility. The email says: "Please note that the most recent data available for this property is from 2007-2009, and the facility determination was made based on the data to date."

The email cites language from the 2010 GES Closure Report on the status of the property at that time. It references two BEAs that had been submitted, but notes that the "data included in these BEAs is from 2007-2008." It goes on to say that "the most recent data available for this site is from 2007-2009."

At the April 15, 2026 Washtenaw BoC meeting, Mr. Voght stated:

> Eligibility, which has come up tonight. We've looked at this, obviously more closely than in most plans. ...In this case, we have a facility on the corner, the gas station... We asked for EGLE confirmation of the facility status, because of the questions raised about the date of the previous investigations, how old they are. It's a facility; it's an on-or-off thing; It's a black-and-white thing; there's no grades of facility status. It's not a gray area. It either is or not. That's all the statute requires.

Mr. Voght's position that facility status is etched in stone in perpetuity is untenable. As discussed above, the controlling statute explicitly provides that if any one of six conditions is met, a facility ceases to be a facility. Mr. Voght's interpretation would mean that even if successful remediation efforts have been completed, a property is still a facility, eligible for brownfield benefits.

EGLE's own current Policies and Procedures explicitly provide a procedure for removing a site from facility designation.

In February 2025, EGLE adopted new guidelines and procedures for dealing with "facilities": "Remediation and Redevelopment Policy and Procedure – RRD-21 – Leaking Underground Storage Tank (LUST) Site Classification System," Effective Date: February 20, 2025" which contain such "grades of facility status."

The site classification system assigns numbers 1-5 to contamination sites based on the current and projected degree of risk to the public and environment. Category 1 is "immediate." The risk declines to Category 5 – "no demonstrable long-term unacceptable risk based on current and reasonably anticipated future use." The Policy prescribes a four-step procedure to evaluate a site and to reclassify it, as appropriate.

This site evaluation procedure was applied to the gas station parcel, and is a Category 5 site.

The Policy goes on to say, with regard to a Class 5 site: "If a release meets the applicable RBSLs [Risk Based Screening Levels] or SSTLs [Site Specific Target Level] and no restrictions or institutional controls under Section 21310a are required, RRD [Remediation and Redevelopment Division] staff should reclassify the release as no longer a facility.

Sometime prior to April 2, 2026, representatives of the developer approached EGLE staff to discuss the restrictive covenant ("RC") on the property. On April 2, 2026, Lisa Agosta, EGLE District Enforcement Coordinator, sent an email to Andy Andre, Vice President of Real Estate Development at Oxford Companies and three employees of Oxford's engineering consulting firm. It said:

> Hello,
>
> We held some additional internal discussion about the RC on this property. The RC could be rescinded, the land use portion removed (restricting to no residential),

and a new RC recorded with just resource use restrictions (restrictions would depend on the pathways that need to be restricted, ex: groundwater) if contamination is to remain and it is appropriate for how the property is to be used. However, EGLE would like to see some more recent data to justify removing the land use restriction and to determine what resource use restrictions may need to be placed. This may allow for development with a hotel on the property.

If data does not support removing the land use restriction from the entire property, you could consider what was discussed yesterday, rescinding the current RC and placing one on a portion of the property if appropriate. Or, if all contamination remediated to below residential RBSLs, there may not be a need for a restriction. So, there are options to facilitate redevelopment!

Please let us know if you have any questions.

Lisa Agosta
District Enforcement Coordinator

The import of this email is clear. The parcel may no longer qualify as a facility, and development of the site as intended by the developer may be able to proceed without any remediation activities required.

There is a third avenue available for definitively resolving the issue of the parcel's facility status. EGLE has a Brownfield Site Assessment ("BSA") Program which offers environmental assessments at no cost to appropriate applicants to determine the current physical condition of the property. It is specifically designed to aid decision-making around brownfield proposals. EGLE staff has stated that it would perform such an assessment upon the request of the BoC and the developer. Those parties have been informed of this option, but, unfortunately, have chosen to ignore it. The MSF would also be an appropriate party to ask for and receive a current assessment through the BSA program.

It is clear that the gas station parcel is primed for removal from facility designation in EGLE's files.

It seems obvious that before brownfield status – and a $329 million tax benefit – are granted, more contemporary information is required. The MSF should either deny this request or postpone a final decision on the Plan until a current, thorough analysis of the site is conducted. It would be a disturbing situation if the Plan were approved and weeks later the BFS issues a report finding that the property is no longer a facility.

Whether the gas station site actually has contamination levels that would give it the status of a "facility" is controlled by the applicable state statute, as applied to the facts regarding the condition of the property. Application of a statute to a set of facts is a legal matter.

Where are the lawyers? The only effort to apply the language of the statute and regulations to the facts of this situation was undertaken and provided by the Author of this document. The Ann Arbor City Attorney has not done so. Washtenaw County Corporate Counsel, who represents both the WCBRA and the County, has offered no guidance. Outside counsel for Washtenaw County has not done so. Not even counsel for the developer has weighed in.

The Claimed Eligibility for Brownfield Benefits for "Functional Obsolescence" is not Demonstrated.

The developer also claims that brownfield eligibility exists because a portion of the combined property is "functionally obsolete." The Brownfield Act says: "'Functionally obsolete' means that the property is unable to be used to adequately perform the function for which it was intended due to a substantial loss in value..." (emphasis added) There is no support for such a conclusion here.

The property at issue is known as 2800 E. Boardwalk. Measuring just over eight acres, it is currently used exclusively for parking for the adjacent office buildings. It has never been used for anything but parking since the time that it was farmland. It is currently actively used to adequately perform the function for which it was intended – parking for the office buildings.

To secure a determination that a property is functionally obsolete, a developer is required, at a minimum, to submit an affidavit from a Michigan Level 3 or 4 real property assessor to that effect. While such an affidavit is a requirement for establishing eligibility based on functional obsolescence, nothing in the Brownfield Act suggests that such an affidavit is conclusive on the issue and that other information about the circumstances cannot or should not be included in the determination.

Unfortunately, in this case, other than the affidavit, absolutely no other input was sought, and there is no indication that information from any other source was considered, even though it was provided.

There have been 36 brownfield projects in Washtenaw County. In eight of them, there was a claim of functional obsolescence to support brownfield eligibility. In all of those, including three in the City of Ann Arbor, the affidavit supporting a finding of functional obsolescence came from the City Assessor in the city where brownfield eligibility was sought.

But not in this case, and for obvious reasons. There has been no "substantial loss in value" of the Boardwalk property; there has been no loss, at all. Ann Arbor City Assessor Jerry Markey states that his office has determined that the True Cash Value (which equates to Market Value) of the 2800 Boardwalk parcel for the last nine tax years is as follows:

2018 $7,243,317
2019 $7,535,644
2020 $7,433,689
2021 $7,410,873
2022 $8,340,549
2023 $8,404,182
2024 $7,187,861
2025 $7,721,599
2026 $8,064,872

Mr. Markey's letter of May 19, 2026. (Exhibit C.)

The above information was provided to the WCBRA and the BoC, but there is no indication that it was reviewed or considered by either body.

Probably fearing receipt of an unhelpful report, the developer went to Macomb County and hired a private assessor, Mathew Schmidt, who would give it the opinion that it wanted. Mr. Schmidt stated that the 2800 Boardwalk property is "functionally obsolete." There is nothing to support Mr. Schmidt's conclusion.

The only activity that Mr. Schmidt reports that he performed in determining the value of this property was a single observation of the use of the parking deck during his only site visit. The parking deck is used exclusively by the tenants of the adjacent office buildings, their visitors, etc. This observation occurred on a Saturday in January 2025. This timing would produce an unreliable observation about the utilization of the parking facilities for an office-only property.

Usage of the parking structure and surface lots fluctuates with office occupancy. Without knowing something about those circumstances, any opinion about how much parking is needed has no basis in fact. For all Mr. Schmidt knew, the office occupancy rate at that time was abnormally low, or that leases had been signed with new tenants who intended to take over all vacant office space and would need all of the available parking.

Mr. Schmidt does not indicate that he sought or obtained any information about the current or historical occupancy of the buildings. He does not indicate that he reviewed any official assessment records regarding the subject property or comparable properties, or any sales data.

The deck is still being used. Attached as Exhibit D is a photo taken of the deck on June 13, 2026.

Usage of the structure may be down from the pre-COVID period, because of declines in office demand, but there is no evidence that this is a permanent condition. There is clear evidence of the opposite. Developer Oxford Properties bought the 777 building and the property containing

the parking structure in 2018 for $29 million. In 2019, the University of Michigan signed a fifteen-year lease of five of the ten floors of that building. It is reported, but not confirmed, that U-M has options to lease the remaining floors and to purchase the entire building.

U-M is actively expanding its footprint in the area. It has announced plans to move a number of university units away from Central Campus to this area. It has demolished its Wolverine Tower, to be replaced with a new university facility. Many departments will be relocating to nearby 1000 Victors Way and other spaces yet to be determined. It is not unlikely that the 777 building may be one of those spaces.

On its current website, Oxford Properties describes the area in which Arbor South is located as follows:

> The 777 Building sits in a lively neighborhood full of conveniences. Enjoy a wide range of dining options—from local favorites like Mediterrano and Zingerman's to familiar names like Buffalo Wild Wings and California Pizza Kitchen. Hotels, both national brands and boutique stays, are just minutes away, and Briarwood Mall offers everything from major retailers to unique local shops. With plentiful parking and easy access for your team and visitors, it's a location that makes business effortless.

The "lively neighborhood" that it describes is Briarwood Mall and adjacent properties, directly across the street from the Arbor South property.

None of this sounds like an area for a massive Brownfield project. Did Mr. Schmidt familiarize himself with these market conditions before he wrote his opinion?

The developers of Arbor South do not believe that this property is "unable to be used to adequately perform the function for which it was intended." The Plan includes tearing down the existing structure and building a new structure on this same parcel, with a capacity of 816 cars. There's nothing wrong with this property; the developers just want a different parking configuration for Arbor South.

Mr. Schmidt's Affidavit states:

> The reason for this opinion is based on my first-hand observation of this commercial structure. The entire second story of this two-story parking structure is currently blocked off and is not being utilized during the winter months. ...The two surface parking lots located adjacent to the east and west of the subject parking structure along with the first floor of the subject parking lot appear to be more than adequate to meet the parking needs of the two adjacent office buildings. The functional obsolescence existing on this property is economically

> incurable, because the investment that would be required to cure this existing superadequacy will involve a complete demolition of this existing structure... Therefore, it is my opinion that the subject property suffers from significant levels of functional obsolescence that have resulted in a combined loss of market value that exceeds 50% of the total value of the subject property.

The entire affidavit is based on that single, unrepresentative visit to the site, "appearances," and, presumably, information supplied by his client.

As discussed more fully below, the assertion that the claimed functional obsolescence is economically incurable is nonsense. The estimate of eligible activities provides less than $1 million for demolition of the parking structure does not support the claim that this property assessed for approximately $8 million has suffered a decline of more than 50% in total value.

The statute requires that an affidavit be supplied; it does not say that any such affidavit is conclusive. The City, the WCBRA and the MSF are free to look at other information, such as an affidavit from another, more objective, assessor or to conduct a review of other sources of information about the value of a property.

There are other indications that Mr. Schmidt's negative view about the value of the property is unsupported, and not even shared by the developer. When the Plan was first proposed and tentatively agreed upon, it included a Public-Private Partnership. It provided that the City of Ann Arbor would construct and own the three included parking structures, which would cost about $160 million. As part of that arrangement, the City would purchase from the developer the land on which the structures would sit, about three acres, for $12 million - $4 million per acre.

About two months ago, Oxford Properties filed an Area Plan with the City for another project, barely .3 mile from the Arbor South project. Atrium South would include 985 apartments, two parking structures, ground floor retail and a hotel. Current taxable value of the parcels – about $11 million. This suggests that the developer views this area as a prime one for development, not a compromised one.

Use of an Outside Assessor: State guidance and common practice assume that the local assessor of the municipality where the property is located will provide the functional obsolescence affidavit. The local assessor has the most direct knowledge of the property and its impact on the local tax roll. This guidance and practice have been followed for every functional obsolescence eligibility claim made in Washtenaw County under the Brownfield Act, a practice observed throughout the state.

The hiring of an assessor from another community to sign a brownfield affidavit for functional obsolescence is highly uncommon and generally discouraged, though not strictly prohibited by

the letter of the law. This may be viewed as "shopping for an opinion" which is what took place here.

Remarkably, Ann Arbor City Administrator Milton Dohoney falsely stated, in a May 18, 2026 letter to the BoC: "Ann Arbor's Assessor does not typically issue such determinations for PA 381 projects due to tax tribunal concerns – a common industry practice."

In fact, then-Ann Arbor City Assessor David Petrak issued precisely such determinations on October 15, 2008, June 30, 2010 and July 6, 2011 regarding, respectively, the Brownfield Plans for 2800 Jackson Rd., Deli Partners, L.L.C. – Zingerman's Delicatessen, and Arbor Hills Crossing in the City of Ann Arbor. These are all of the brownfield projects in the City of Ann Arbor in the history of the local brownfield program that claimed eligibility based on functional obsolescence.

Mr. Dohoney's comment about "tax tribunal concerns" is unexplained and incomprehensible. As for "common industry practice," what "industry" is he talking about?

The "determinations" that Mr. Markey made were the annual assessments that he and his staff arrived at in performing the assigned duties of their office.

This pattern of misinformation and disinformation was continued in the presentation in support of the project at the BoC's May 20, 2026 meeting. Joe Giant, Economic Development Director for the City of Ann Arbor stated:

> The affidavit of functional obsolescence. It's been submitted by the level four assessor, it meets the statute, the city accepted it. The city, many cities don't want to, many city assessors will not put themselves in a position of providing such an affidavit on behalf of a private developer. I think in Ann Arbor's case, they're conservative and they were not going to do that in this case.

As noted above, the Ann Arbor City Assessor has, in every prior instance, been the source of such an affidavit for a City brownfield project, and the same has been true for the five projects in the cities of Chelsea and Ypsilanti. Mr. Giant's assertion that the Ann Arbor Assessor was "not going to do that in this case" is, at best, unsupported speculation, or worse, deliberate misrepresentation.

Although Mr. Markey was never asked to provide an affidavit, he willingly provided the above data about the value of the parcel, directly from official records, to the Author, who provided it to the decision-making bodies.

Mr. Giant gets one thing right – a city assessor does not want to provide "an affidavit on behalf of a private developer," nor should the assessor. The assessor's responsibility is to the city, not to the developer. Mr. Schmidt's responsibility was to the developer which hired him.

Where is the Case for Economic Development?

The Flint-Buick City project is the largest traditional brownfield project previously approved. It is designed to revitalize approximately 350 acres of heavily polluted, former industrial property. The resulting Fint Commerce Center is projected to produce 2500-4000 jobs. The tax capture will be $70 million, less than one-fifth of the Arbor South amount, and the capture rate is 80%.

Even the staff of the WCBRA concedes that the traditional purposes of the brownfield program, to incentivize redevelopment of environmentally challenged property, is little present here. It tries to make an economic development case for Arbor South, but clearly fails. At the April 15, 2026 meeting of the BoC, WCBRA staffer Nathan Voght said:

> This is an important point with the Brownfield Act. We usually think of contaminated sites as being; that's what brownfields are, while this act specifically has really two different purposes. Yes, there are the traditional cleanup approaches, to clean up sites and use those eligible activities that address cleaning up groundwater, soil, due care, etc. But then there's an economic development path, which is really in this plan as been pointed out is what we're talking about. It's mostly infrastructure, site preparation. It can be parking decks. ...The purpose is really economic development. And, in this case, the environmental is really a small concern. The larger purpose of this plan is infrastructure support, building this neighborhood up and the supporting hardscape work that's required to do that. ...

Infrastructure, site preparation and parking structures for the project, itself, are economic development? Building "this neighborhood up and the supporting hardscape work that's required to do that?" What neighborhood? It is mostly unimproved land.

The project would create temporary construction jobs, certainly, but have a limited effect beyond that. Unlike the Buick City project, which is projected to generate major new business activities and thousands of new jobs, the proponents of Arbor South don't even try to make a serious case for economic development.

The only permanent employment that Arbor South is likely to produce is relatively low-wage retail and restaurant jobs. That, and some management and maintenance employees of the developer. In an era of declining brick-and-mortar retail, is the project's first-floor retail likely to be a significant engine of economic development?

The Massive Amount of the Tax Capture is Not Justified

Even if the Arbor South project were deemed to be eligible, the proposed TIF capture is indefensibly large.

The Plan states that the Estimated Total Capital Investment is $406 million. The estimated TIF capture of $328,534,500 equals 81% of that, which far exceeds the ratio of every Washtenaw County and City of Ann Arbor Brownfield project.

There have been 36 previous brownfield projects in Washtenaw County. The average of tax capture to capital investment is 7.99%. The total tax capture for all of those 36 projects is $112,499,723. The tax capture for Arbor South, at $374 million, would be more than three times that number.

In most of the 36 projects, the cost of environmental activities constitutes a significant portion of the tax capture amount. The Plan includes $2 million in eligible activities to address remaining contamination issues on the gas station parcel, if there are any.

A customary purpose of the brownfield program is to incentivize existing or prospective property owners to address and resolve environmental problems. That approach has no application here. Applicable UST statutes and regulations legally require the developer, as the owner of a property with a UST system in place that is no longer in use, to remove the system, conduct a full site analysis and, if unacceptable contaminants remain, remediate the conditions.

These tasks must be performed, even where there is no suggestion that there have ever been contaminants at the site. A property owner is not entitled to any tax incentive or other public subsidy to do so. The developer will have to undertake that work, at its expense, even if its brownfield application is rejected.

A review of professional resources indicates that the actual cost of the removal activities would likely not exceed 10% of the amount allowed in the Plan ($2 million) and could be far less.

The proposed Brownfield Plan includes demolition efforts as eligible activities. One category is listed as: "Non-environmental Demolition: Remove pavement, curb and gutter, parking structure, trees." Specific costs for each action are not indicated. The total for those activities is $1.2 million, so the parking structure removal portion is not likely to exceed $1 million.

How can these activities, totaling as little as less than $1 million and no more than $3 million, justify the tax capture proposed here?

The tax capture would take future revenue from every Washtenaw County and City of Ann Arbor millage, from general operating to public schools (partial), parks, sidewalks, veterans' relief, public safety, mental health, roads, seniors, affordable housing, public library, community college, intermediate school district, public schools sinking fund, public transit, etc. (TIF Tax Capture Table, Exhibit E.)

While the public schools would be reimbursed for most of the school taxes captured (sinking fund excluded), the developer would receive a tax benefit of $122,616,741 from state funds. The local capture would be $206,602,556.

City Administrator Dohoney offers this defense of the tax capture, stating: "Unlike DDAs... - which can capture TIF in perpetuity – Brownfield Authority TIF capture is capped at 30 years." This misstates the situation. Unless the developer fails to engage in any eligible activities for two years or more, the tax capture is locked in. A DDA is created by ordinance, and the City Council may terminate its existence, and tax capture, at any time. In fact, the DDA enabling act has a mandatory sunset provision, requiring the city council to dissolve the DDA if its stated purposes have been achieved.

Will There Be Affordable Housing?

A main driver of support for the Plan is the expectation that it will include a significant affordable housing component. There is absolutely no guarantee that this project will include a single unit of affordable housing.

More than five months ago, on February 2, 2026, the developer and the city approved a roughly 6,000-word Development Agreement for Arbor South. Its housing provision (P-28) says:

> DEVELOPER agrees to negotiate in good faith with the Ann Arbor Housing Commission... a definitive agreement for the creation of a joint venture ("JV") ... for the development of the Affordable Housing Building...
>
> The developer agrees that the Affordable Housing Development Agreement shall obligate the DEVELOPER to contribute and/or donate to the Affordable Housing JV money, infrastructure, and/or services that equal or exceed $10,500,000 (including at least $7,500,000 of monetary contribution...)

The total out-of-pocket obligation of the developer, depending on the actual costs, if any, of addressing the gas station and parking deck issues, could be less than $8,500,000 and no more than $10,500,000 million. Including the "in-kind" contribution, the total responsibility of the developer would be no more than $13,500,000. For this effort, it would receive a $329 million tax savings from a $374 million tax capture. Such a result is far beyond anything contemplated by the Act.

But there is also an unequivocal "escape clause" for the developer:

> If the Affordable Housing Building and/or the required affordable housing units are not or cannot be constructed for any reason, including a DEVELOPER default under

> the Affordable Housing Development Agreement, the DEVELOPER's obligation to satisfy the Affordable Housing Requirements will be deemed satisfied if DEVELOPER pays to the CITY the sum of $18,900,000...

The anticipated joint venture agreement hasn't happened yet, and nothing has been made public about the situation. It might never happen.

The developer could decide that it would do better financially if it makes the payment and is free to retain and develop that portion of the property in some other way.

For example, it could decide to build 200 additional units of market rate housing, instead. The $18.9 million payment, spread over 200 units, amounts to just $9,450 per unit. That amount probably could be absorbed and still allow for a profitable project. And there are many other development options for the site which might make it advantageous to pay the $18.9 million.

Looking at the numbers another way...If the principal benefit of the Plan is the provision of 200 units of affordable housing, $374 million works out to $1,870,000 per unit.

The practical effect of the $18.9 default payment would simply be to reduce the net taxpayer subsidy to Arbor South from $329 million to $310.1 million. The Housing Commission could use the $18,900,000 to finance housing at another location or locations.

(It should also be noted that the developer would be receiving a tax capture of approximately $5 million from the City's affordable housing millage, reducing the net benefit to the affordable housing program to $13.9 million.)

To the extent that inclusion of affordable housing is deemed to be important to this project, any additional approval should await resolution of this issue.

The "Big Lie" and the "But For" Fallacy

The "Big Lie" of the Arbor South debate is the fallacy that "But For" the Arbor South project, there won't be any of the new tax revenue that it would produce. As that argument goes, approving the project doesn't cost anything or hurt the public schools, city, county, transportation authority, community college, intermediate school district, etc. It's a "freebie."

It is certainly true that if Arbor South isn't built, "it" won't generate any new taxes. But the effect of approving the Plan is removing this valuable property from the tax rolls for 30 years, denying tax revenue to all of the units of government for those years.

Those 20 acres of prime Ann Arbor real estate will not sit vacant forever; something else will be built there (probably sooner rather than later), and additional taxes will be generated for all of

the taxing authorities. How much will that be? It is impossible to know at this time. But it can be said, with certainty, that if the Plan is approved, and the project is built, no new tax revenue would flow to those taxing units for 30 years, and that is a real and very large cost of the project.

What will take its place? With the new Transit Corridor (TC-1) zoning that the City of Ann Arbor has adopted, which allows increased density and buildings as tall as 300 feet, it could be a bigger project than Arbor South, generating even more tax revenue than Arbor South would. The siphoning off of tax revenue from all of the taxing authorities is real, and it's really big.

Oxford Properties CEO Jeff Hauptman said recently that "nothing will be built on that site without public subsidy." Asked to explain that statement, his answer was: "You don't understand the market." Perhaps, it is Mr. Hauptman that doesn't understand the market. The development partners have invested time, millions of dollars in property acquisition, opportunity costs, etc. in producing a project that they say can only succeed with public subsidy, with no assurance that they could obtain such a subsidy.

Members of the community bemoan the fact that the property hasn't been put to better use to date. It is not a problem with the property. The developer has failed to come up with a viable, privately-financed project or sold the land to someone else who would. That's why it is still parking lots.

Is the Arbor South Project Feasible? What Does that Mean, and is that a Public Concern?

It has been repeatedly stated by the developer and city officials that Arbor South is unfeasible without a huge subsidy provided by brownfield status. What does this mean? And why should this be a matter of public concern and consideration?

Arbor South is a private, for-profit business project. For any business to succeed, its revenues must exceed its costs, and by enough to satisfy investors and lenders. If Arbor South can't do that, it probably just isn't a good business plan. There is no reason for public dollars to be used to make it work.

As noted above, the costs of dealing with the alleged deficiencies in the property, if there really are any, would be trivial, far less than one percent of the total project cost, which is in excess of one-half billion dollars. In traditional brownfield projects, funds are provided to incentivize developers to tackle such specific problems, not to provide major financing of the entire project, which is what is sought here.

As originally written, the brownfield plan provided that the three parking structures for the project would be paid for and owned by the City of Ann Arbor. "[P]arking structures are most

successfully constructed and managed in keeping with public policy if owned by the municipality. Public infrastructure will be a key component to making the policy goals of TC1 zoning a reality, and the project will not be feasible without the TIF assistance."

The cost to the city was to be approximately $160 million. A public-private partnership ("PPP") agreement was prepared for this arrangement. The City's financial consultant stated that, without this participation by the City, the project could not produce a rate of return that would make it financeable.

This plan ran into a problem. Several members of the City Council expressed concerns about possible city financial liability if it owned the parking structures. The proposed arrangement entailed the city purchasing three parcels of land from the developer on which the parking structures would be built. Any real estate transaction involving the city must be approved by an eight-vote City Council supermajority. It was not clear that those votes were secured.

The PPP was abandoned, and the developer would now have responsibility for constructing and owning the structures. What now? If the project was not feasible without city participation in the structures as stated before, how is it now feasible without that participation? If it was feasible before, why was the opposite claimed, and used to support a large subsidy?

(Interestingly, the above underlined text about public infrastructure being a "key component" of the plan remains in the Plan, unaltered.)

The developer, the city and the consultant have stated that the consultant relied on a *proforma* provided by the developer in preparing its analysis, but refuse to make it public, claiming, in vague terms, that it contains "commercially sensitive information."

Keeping that type of information confidential, except for sharing it with potential lenders, is appropriate in a totally private-sector setting. It is inappropriate where public dollars are involved. If a decision is made to commit public dollars – a very large number of them – the public is entitled to know what went into such a decision.

A FOIA request has been filed to obtain that information which has, apparently, been provided to MSF. The developer has suggested that it may argue that such information is exempt from disclosure pursuant to MCL 15.243(1)(f) pertaining to "trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy..." Subpart (ii) of that provision, however, states that it "does not apply to information submitted as required by law or as a condition of receiving a government contract, license or other benefit."

A Second Downtown? A Walkable Neighborhood?... More like a Segregated, Company Town.

The developer and its supporters promote the development as a second "downtown." It is nothing of the kind. A downtown is an almost organic thing, formed by time and history, containing a wide range of architecture and a wide range of activities – government offices, educational and cultural institutions, churches, theaters and concert venues, city parks, schools, medical and professional offices, a variety of housing choices from historic single-family homes to high-rise condos, and everything in between.

In what sort of downtown is virtually every unit of housing a rental, in look-alike buildings owned by the same landlord? In what sort of downtown is all of the commercial space owned by the same landlord? In what sort of downtown is all of the "public space" owned and controlled by the developer?

It would be odd to call Arbor South a neighborhood, at all. It would consist of a 10-story office building, a second large office building, a hotel, three parking garages totaling 2,400 spaces and six nearly identical six-story multi-family buildings, with primarily one and two-bedroom units. From a resident's standpoint, those six buildings are the "neighborhood." That's not a neighborhood as most people would define it.

"Walkable neighborhood" is a well-used buzzword that doesn't really say much. If an area isn't walkable, it probably isn't a neighborhood. Almost by definition, a neighborhood is a walkable area. You could take a walk in the Arbor South "neighborhood," but it wouldn't be much of a walk. Every location in the project is within about 600 feet of the perimeter of the project, about a two-minute walk. And there isn't any adjacent neighborhood to go into - no residential areas, just commercial, offices, industrial, busy streets, etc. You can't walk your child to the neighborhood school, because there isn't one.

What this project really amounts to is an apartment complex with some first-floor retail and thousands of parking spaces. Thousands of additional housing units have been built in the city in recent years, are under construction, or are in the development and city review process. More development is taking place just beyond the city limits. Together, they will provide new housing for as many as 25,000 people within two to three years. Almost without exception, they are not receiving any taxpayer-funded support.

There is other new development activity in the City of Ann Arbor which more closely resembles a "second downtown." It is Briarwood Mall, across the street from the Arbor South site. Briarwood, a regional mall which opened in 1973, has had to adapt to the new realities affecting brick-and-mortar retail. An entire anchor store wing was demolished. In its place, 400 units of

market-rate housing, with their own dedicated parking structure, are now open. The mall owner has indicted that more housing is likely. A full-service Niemann Harvest Market supermarket, adjacent to the new housing, is open for business.

Briarwood Mall still has three anchor stores and 65 other stores. It also has 14 restaurants and personal care and fitness businesses. Immediately surrounding it are two banks, business, professional and university offices, medical care facilities, a large automotive service facility and multiple hotels. Two Ann Arbor Area Transit Authority bus lines service the Briarwood complex.

Ann Arbor's existing, historic downtown is booming, and its property values are soaring. The Ann Arbor City Council, just a few months ago, enlarged and extended the life of the existing DDA for an additional 30 years. The projected tax capture is $978 million.

Given these circumstances, an additional tax capture of $374 million for Arbor South over the same time period cannot be justified.

Arbor South is an Example of Economic Segregation

Ann Arbor Mayor Christopher Taylor repeatedly criticizes the city's current zoning map as having created, over time, economic segregation which, he says, inevitably entails racial segregation. This project has economic segregation built into it.

Rather than combining market-rate and affordable units in the same buildings to foster a mixture of people of different circumstances, the affordable housing component is designated as a separate building, with a different design. Ann Arbor Housing Commission Executive Director Jennifer Hall points out that putting affordable units in their own building may be preferable, because it can facilitate more effective management and delivery of services to residents. But she doesn't suggest that separating the affordable housing building from the market-rate buildings confers any benefits.

The developers describe the project as a 2 x 3, 6-square-block downtown. Notably, the Affordable Housing Building (AHB), as it's labelled, is not part of that six-block area. It is isolated from the rest of the project, located on the other side of the project's major east-west bordering street. It is far as it can be from the central plaza, the only significant public open space in the project.

The developer and some supporters of the project tout its interface with public transit. The Plan designates two possible locations for a "Future AAATA Bus Rapid Transit (BRT) Station/Super Stop." The AHB would be located further from these stops than any other part of the project.

A goal voiced by many people in the Ann Arbor area is to encourage intergenerational wealth. This virtually all-rental project doesn't add anything to that effort.

"Bad Optics" or Something More?

There are circumstances surrounding the handling of the Arbor South project that have raised concerns in the Ann Arbor community. Large, unprecedented sums of public money are at stake. Some important questions go unasked or unanswered. A question on the minds and lips of many local residents is an agitated "Why are we giving $300 million to a private developer?"

The lead partner in the project is Oxford Properties, an Ann Arbor firm whose business activities are heavily concentrated in office properties. That real estate sector has been pummeled by post-COVID shifts to working from home. As a result, Oxford has been struggling financially, and Arbor South has become extremely important to its financial future.

Jeff Hauptman is the CEO of Oxford Properties. Mr. Hauptman described the situation at a meeting of Oxford's investors in June 2025. He spoke of the perilous position of the company, the need for him to put in personal funds and to refinance his house. He spoke of having a collection of city councilmembers, county commissioners, city administrators "doing what they can to push this through." Here is a partial transcript of his remarks:

> I frequently supported the portfolio in the past, short-term loans, personal guarantees...But it has had a cumulative demand on my resources, my limited resources...I've personally supplemented our investments with over $5 million of my own cash. ...I've also recently refinanced my house and put the proceeds into the portfolio as well. ... I've been personally guaranteeing loans so that the banks will refinance properties. ... We continue to face enormous challenges, rising construction costs, high interest rates, most severely work from home. ...We've been at this now for about seven years. ...Just pouring in time and money. ...We finally reached a point where we have a majority of city council people, all the city administrators, a bunch of county commissioners, all really excited to see this happen. ...And so they're doing what they can to help push it through. ...We had a scary thing happen last week where we were going to go in front of the planning commission for our approval. ...One planning commissioner couldn't come because he had to recuse himself because there's a relationship to Oxford. ...So they want to see it. ...In fact, during the meeting, they were giving their planning department staff a hard time, like, why'd you take so long to get this to us? ...We want this.

Mr. Hauptman has contributed tens of thousands of dollars to candidates for city offices. Eight of the current members of the Council – Mayor Christopher Taylor and seven Councilmembers – have received contributions from him.

One of the most vociferous supporters of the project has been Washtenaw County Commissioner Andy LaBarre. Mr. LaBarre is Executive Vice President & Director of Government Relations for the

Ann Arbor-Ypsilanti Regional Chamber of Commerce. Serving in both of these roles may be regarded as problematic.

A member of the Chamber of Commerce Board of Directors, to whom LaBarre is ultimately responsible, is Joe Mifsud, President of Oxford Property Management.

Conclusions and Recommendations

This Memorandum sets forth sufficient evidence and arguments to justification rejection of the Arbor South plan. Short of that, the MSF Board should postpone a decision on the Plan until the serious issues presented herein can be properly and thoroughly addressed. These include such things as limited additional onsite testing, waiting for the results of the LARA/BFS assessment to be concluded, etc.

Exhibit A

Groundwater & Environmental Services, Inc.

55820 Grand River Avenue
Suite 250
New Hudson, Michigan 48165

Memorandum

Former Shell Station, State and Eisenhower, Status

To: Thomas F. Wieder
2445 Newport Rd.
Ann Arbor, MI 48103

From: Scott McWhinnie
Principal Project Manager

Date: July 2026

Re: Former Shell Station, State and Eisenhower
2991 South State Street
Ann Arbor, MI 48104
GES 1726032

1. INTRODUCTION

Pending before the Michigan Strategic Fund "MSF" is an application for Act 381 brownfield approval and funding for the Arbor South project ("the Project") located in the City of Ann Arbor. The Project site consists of three distinct parcels of land. This report addresses the current status of one of those parcels, identified as 2991 S. State St., Ann Arbor, MI 48104 ("the Parcel"). In its application, the developer of the Project ("the Applicant") asserts that the Parcel meets the definition of a "facility" as defined in the Michigan Compiled Laws (MCL) 324.20101(1)(s) within Part 201 of the NREPA (Natural Resources and Environmental Protection Act (1994 PA 451, as amended)). (The full text of the definition language is attached hereto as Exhibit A.) The Applicant is relying upon a determination that the Parcel is a facility to qualify the Project for brownfield benefits. Groundwater and Environmental Services (GES) was asked to evaluate whether the Parcel currently meets the statutory definition of a facility. This review will outline issues associated with the claim that the subject site remains a facility. Based on the definition of a facility, as applied to the most current information about the physical conditions on the Parcel, there is a distinct possibility that the Parcel does not meet the definition. Prior claims that the Parcel met the definition may be inaccurate, outdated and unsupported by current data and analysis.

2. BACKGROUND

A gas station operated on the Parcel from 1968 until November 2025. During that time, the facility was remodeled several times to modernize its appearance and accommodate various uses, including convenience retail, car wash, and restaurant operations. A release of an undetermined amount of gasoline product occurred on the Parcel sometime prior to November 2003. GES was retained by the then-owner, Shell Oil Products US, to conduct assessment and monitoring activities on the site. The release was reported by GES to the Michigan Department of Environmental Quality (MDEQ), now the Department of Environment, Great Lakes and Energy (EGLE), on December 3, 2003. No other releases of hazardous material have been reported on the site.

Following discovery of the release, GES conducted several phases of investigations and monitoring activities from 2003 through 2009. Soil samples were collected for laboratory analysis from 26 locations across the site from depths ranging from 6 feet to 42 feet below grade level. Groundwater samples were collected from site wells during multiple gauging and sampling events between 2003 and 2009.

In 2010, the site was officially "closed," a Closure Report was filed, and no further testing or monitoring has taken place since then by any party.

Key findings as detailed in the 2010 Closure Report:

- No free product source material had been discovered at the site.
- No impact or contaminants were found to be migrating offsite. There were no open pathways for contaminant compounds to migrate offsite.
- The last subsurface chemical analytical data was collected in 2009. Natural attenuation has been occurring for 17 years in the subsurface.
- No site-specific risk-based evaluations have been performed utilizing site data to generate site-specific residential cleanup values to find if site concentrations are below site-specific residential cleanup criteria and therefore not a facility. The EGLE closure process allows for the generation of new residential criteria based on the characteristics and data from the site. Site-specific cleanup criteria are typically less conservative than the generic residential cleanup criteria that are meant to be protective under all conditions across the state.

At the time of the closure, over 90% of the Parcel was free of any hazardous material above the limits permitted for any property use, including the most sensitive - unrestricted residential use. Groundwater was the only material containing contaminant compounds above the residential cleanup limits. Soil and air were within those limits. At the time of the 2010 closure report, an area of approximately 3,000 square feet contained all of the wells impacted above residential criteria and presumably represents the total area of the Parcel that could currently be above residential cleanup criteria.

A restrictive covenant was placed on the Parcel, prohibiting residential use. The Project designates the Parcel for a hotel. Under the applicable statute, MCL 324.20101, "hotel" is defined as a nonresidential use, due to the short duration of occupancy and, thus, limited exposure to any environmental hazards.

In 2015, all of the existing structures (gas station building, pump canopies and car wash facility) were demolished, and a new building was constructed. At that time, the existing Underground Storage Tank ("UST") system was removed and a new one installed. An undocumented amount of contaminated soil was also removed.

From 2010 to 2025, other summary reports, including a pair of Baseline Environmental Assessments (BEAs) were completed and filed with EGLE by various parties. These assessments did not include any additional onsite testing or analysis and relied upon the data prepared and reported by GES by 2010.

Corrective and remedial actions performed at the site:

- The UST system was replaced in 2015 with the excavation and removal of the existing tanks.
- Site soil borings and monitoring wells completed to measure site concentrations as they attenuate via natural processes and site remedial efforts.
- Vacuum extraction events were completed from November 2006 to August 2008. Remedial efforts extracted a total of 219-gallons of impacted groundwater from the site subsurface.
- Institutional controls were implemented with a restrictive Covenant (RC) filed in August 2004 that restricts site use as follows: Site land usage is restricted to specific commercial use, and groundwater cannot be used as a potable water source.

3. DISCUSSION

A facility is defined in MCL 324.20101 (Part 201 of the Natural Resources and Environmental Protection Act, 1994 PA 451).

> **MCL Section 324.20101 Definitions.**
>
> (s) "Facility" means any area, place, parcel or parcels of property, or portion of a parcel of property where a hazardous substance in excess of the concentrations that satisfy the cleanup criteria for unrestricted residential use has been released, deposited, disposed of, or otherwise comes to be located. Facility does not include any area, place, parcel or parcels of property, or portion of a parcel of property where any of the following conditions are satisfied:

Applicable Statutory Exclusions from Facility Status

> (i) Response activities have been completed under this part or the comprehensive environmental response, compensation, and liability act, 42 USC 9601 to 9675, that satisfy the cleanup criteria for unrestricted residential use.
>
> (ii) Corrective action has been completed under the resource conservation and recovery act, 42 USC 6901 to 6992k, part 111, or part 213 that satisfies the cleanup criteria for unrestricted residential use.
>
> (iii) Site-specific criteria that have been approved by the department for application at the area, place, parcel of property, or portion of a parcel of property are met or satisfied and hazardous substances at the area, place, or property that are not addressed by site-specific criteria satisfy the cleanup criteria for unrestricted residential use.
>
> (v) [Property Division] The property has been lawfully split, subdivided, or divided from a facility and does not contain hazardous substances in excess of concentrations that satisfy the cleanup criteria for unrestricted residential use.
>
> (vi) Natural attenuation or other natural processes have reduced concentrations of hazardous substances to levels at or below the cleanup criteria for unrestricted residential use.

The Parcel was listed as a facility in 2004 after the release was reported and was based on observed conditions of the site at that time. Since that time, however, one or more of the statutory conditions which exclude a site from facility status have been satisfied, including Response Activities, Corrective Action, Site-Specific Criteria, Property Division, and Natural Attenuation.

Response Activities:

Michigan's statute relies upon the language of 42 U.S. Code §9601, which provides:

> Definitions.
>
> (25) The terms "respond" or "response" means remove, removal, remedy, and remedial action; all such terms (including the terms "removal" and "remedial action") include enforcement activities related thereto. ...

The 2015 UST system replacement was not fully documented, as there does not appear to be a UST closure and replacement report filed with the Michigan Department of Licensing and Regulatory Affairs ("LARA"). Information provided by the then-owner of the Parcel indicates that the USTs were removed, as well as an unspecified amount of soil. It can be assumed that, in addition to the USTs, some portion of the UST system piping

was also removed. It is not unlikely that potential remaining contamination that was present on-site in 2009 was eliminated during the UST removal and replacement actions in 2015.

The Applicant ceased the operations of the gasoline station in November 2025, terminating use of the underground storage tank system. Underground storage tanks are administered by LARA Fire Services Bureau. LARA has requirements regarding the end of operations of a UST system. The tanks cannot just be left in place after operations have ended. The system owner is required to notify LARA of the system shutdown, clean and empty the tanks, and remove or properly abandon the tanks and system components. Soil and groundwater testing is required during the removal process with soil and or groundwater samples required to be collected from the UST basin and piping runs.

When LARA was recently informed of the cessation of the gas station operations, it directed the Applicant to undertake all necessary actions to remove the UST system and perform necessary testing of the site. This process must be completed in the next several months.

When the required testing for the UST system closure is performed, there is a possibility that current site data will show a reduction of contaminant concentrations, if any remain, to levels which pose no threat to health or safety.

The current UST system overlaps the area of the site shown in the 2010 Closure Report to have groundwater concentrations of contaminants above residential cleanup levels. LARA requires pipeline samples to be collected every 30 feet of piping runs starting from the northwest gas pumps Number 1 and 2 shown on Figure 1. This intersects with the area defined in the 2010 Closure Report as being above residential cleanup criteria. The wells marked as red on the attached figure (TW-3, TW-8, TW-12, VE-2, VM-3, and VM-4) were the locations that were found to contain groundwater contaminant concentrations above residential cleanup limits. It must be noted that the majority of the required testing is for soils. Given that the soils which are not an open pathway for the site and therefore not in question regarding the Facility designation, a groundwater sampling event would be preferred. If the groundwater wells used at that time are still intact and functioning at the site, the most straightforward approach to determining if the subject site remains a facility would be to test groundwater from those wells.

It is important to note that the requirement of the Applicant to remove the UST system and perform testing is not driven by brownfield considerations or even tied to them. It is the cessation of the use of the system which imposes the requirement. The Applicant would be required to perform these tasks if no development were even contemplated.

Corrective Action:

In July 2025, EGLE adopted its Risk-Based Corrective Action approach to classification of properties. It provides that a "corrective action" under subsection (ii), above, may be achieved by "institutional controls." These include a "restrictive covenant" controlling use

of the property. In this case, just such an existing covenant precludes use of the property for residential purposes. But the covenant serves no purpose in these circumstances. The planned hotel for the site is defined as a nonresidential use. The site was cleared for nonresidential use in 2010.

Corrective Action also includes the circumstance that the property is subject to a local groundwater use ordinance. Ann Arbor has such an ordinance, which prohibits use of groundwater and requires use of the city's municipal water system. Given this, the state of any groundwater contamination becomes irrelevant. The Project will use city water exclusively which, of course, meets standards for unrestricted residential use. This provision is designed to preclude requiring expensive or technically unfeasible mediation activities which are unnecessary to protect health and safety.

Site-Specific Criteria:

The definition of facility has a specific exclusion for sites where site specific residential cleanup criteria is developed and approved by EGLE. Currently the state has adopted a risk-based approach to site contamination and closures. Site owners can develop site specific residential criteria following methods prescribed by EGLE in their Michigan Risk Based Corrective Action (MIRBCA) guidance. The MIRBCA approach allows for the development of representative criteria that are appropriate for the site conditions. This allows sites that may have contaminants on site that are above the generic unrestricted residential levels to be closed without restrictions and not a facility. This is a desktop exercise using the existing data and does not require the collection of additional groundwater sample data.

Property Division:

There is a question regarding the applicability of a facility designation beyond the area specifically identified as containing contaminants at concentrations above residential limits. As noted above, a facility is defined as:

> ...any area, place, parcel or parcels of property, or portion of a parcel of property where a hazardous substance in excess of the concentrations that satisfy the cleanup criteria for unrestricted residential use has been released, deposited, disposed of, or otherwise comes to be located. Facility does not include any area, place, parcel or parcels of property, or portion of a parcel of property where any of the following conditions are satisfied: ...
>
> (v) The property has been lawfully split, subdivided, or divided from a facility and does not contain hazardous substances in excess of concentrations that satisfy the cleanup criteria for unrestricted residential use.

In this situation, the gas station parcel has never been joined with the adjacent parcel. The release occurred many years before the property became owned by the Applicant.

The two other parcels included in the Project site total 18.721 acres. There has never been a release recorded at those two parcels which would make them eligible for brownfield benefits. The apparent intent of the Applicant is to confer eligibility to those parcels by associating them with the .733-acre parcel where a release occurred.

The statement that a facility can be a portion of a property suggests that the part of a property that does not contain any contaminant compounds in excess of residential cleanup criteria is not a facility. At minimum, the facility designation does not suggest that it should encompass additional properties, unless they too are shown to be impacted above residential cleanup limits. Therefore, extending a broad definition that a location is a facility should not then include areas either known to be clean of contaminant compounds or where there is no evidence of a contaminant substance release.

Natural Attenuation:

At least 17 years have elapsed since the last data was collected at the site. During that time physical and biological processes are occurring that break down contaminant compounds. This is considered natural attenuation. Natural attenuation includes such things as the breakdown of petroleum products by bacteria and dilution through years of groundwater flow through the site.

Monitored natural attenuation is a viable remedial method that is defined by the Office of Solid Waste and Emergency Response (OSWER) Directive 9200.4-17P (U.S. EPA, 1999). It defines monitored natural attenuation (MNA) as "the reliance on natural attenuation processes (within the context of a carefully controlled and monitored site cleanup approach) to achieve site-specific remediation objectives within a time frame that is reasonable compared to that offered by other more active methods." Natural attenuation processes "include a variety of physical, chemical, or biological processes that, under favorable conditions, act without human intervention to reduce the mass, toxicity, mobility, volume, or concentration of contaminants in soil or groundwater. These in-situ processes include biodegradation; dispersion; dilution; sorption; volatilization; radioactive decay; and chemical or biological stabilization, transformation, or destruction of contaminants" (U S EPA, 1999). This process is further detailed in the USEPA Framework for Site Characterization of Volatile Organic Compounds in Groundwater dated December 2012 which discusses monitored natural attenuation as an acceptable remedial method for cleaning sites of contaminant compounds and provides technical direction to implement the remedial approach.

Monitored attenuation was not used to close the subject site as the release closure granted by the state in 2010 was based on delineating the impacted area to an identified location on site and using the institutional control to maintain site use as not residential and prohibits the use of site groundwater for potable use. Applicable soil concentrations are below residential cleanup criteria. Other pathways such as offsite groundwater migration and volatilization to indoor air were considered non applicable and closed in the 2010 closure report. The only contamination shown to be above residential cleanup criteria is use of groundwater as drinking water. This suggests that natural attenuation

would be effective as groundwater concentrations are maintained by source material in the soil or present as free product.

Soil contamination was less than the threshold criteria for residential use, and no free product was ever detected in the subsurface; therefore, there is a minimal amount of source material to feed the contaminant concentration in the groundwater. Given that there have been seventeen years elapsed since the last data collected at the site, during which natural degradation process have been ongoing, it is likely that groundwater contamination concentrations have decreased due to natural ongoing degradation processes. Based on the likelihood that the site has experienced natural attenuation for an extended period of time, there is a potential that contaminant concentrations are below current Michigan clean up criteria for residential land use. To verify whether the parcel still meets the definition of a facility, additional testing of site groundwater would be warranted.

4. CONCLUSIONS AND RECOMMENDATIONS

The definition of facility shows that it is a dynamic label that changes due to site conditions and analysis of the site conditions and data. The definition shows that it is not a fixed characteristic of a site or location, but may change depending on current site conditions, site-specific residential cleanup criteria, and the presence of applicable exclusions as outlined above. The facility status may change depending on representative criteria conditions and natural reduction of contaminant concentrations.

Currently the site is designated as a facility. However, the information the facility designation is based on is seventeen years old. Given the fact that vacuum extraction remedial actions were performed at the site, no free product was found at any point of the site history, and any soil excavation associated with the removal of the original UST system in 2015 have reduced the overall contaminant volume at the subject site, groundwater conditions have potentially changed such that the facility designation is no longer applicable. Natural attenuation has had ample time to further reduce the chemical concentrations in the groundwater to below residential cleanup levels.

Additionally, there is a possibility that the facility designation would fall away with development of site-specific cleanup criteria. These numbers are generated using site specific information representative of the actual site conditions versus the generic numbers which are very conservative and are meant to be used across the state at all sites.

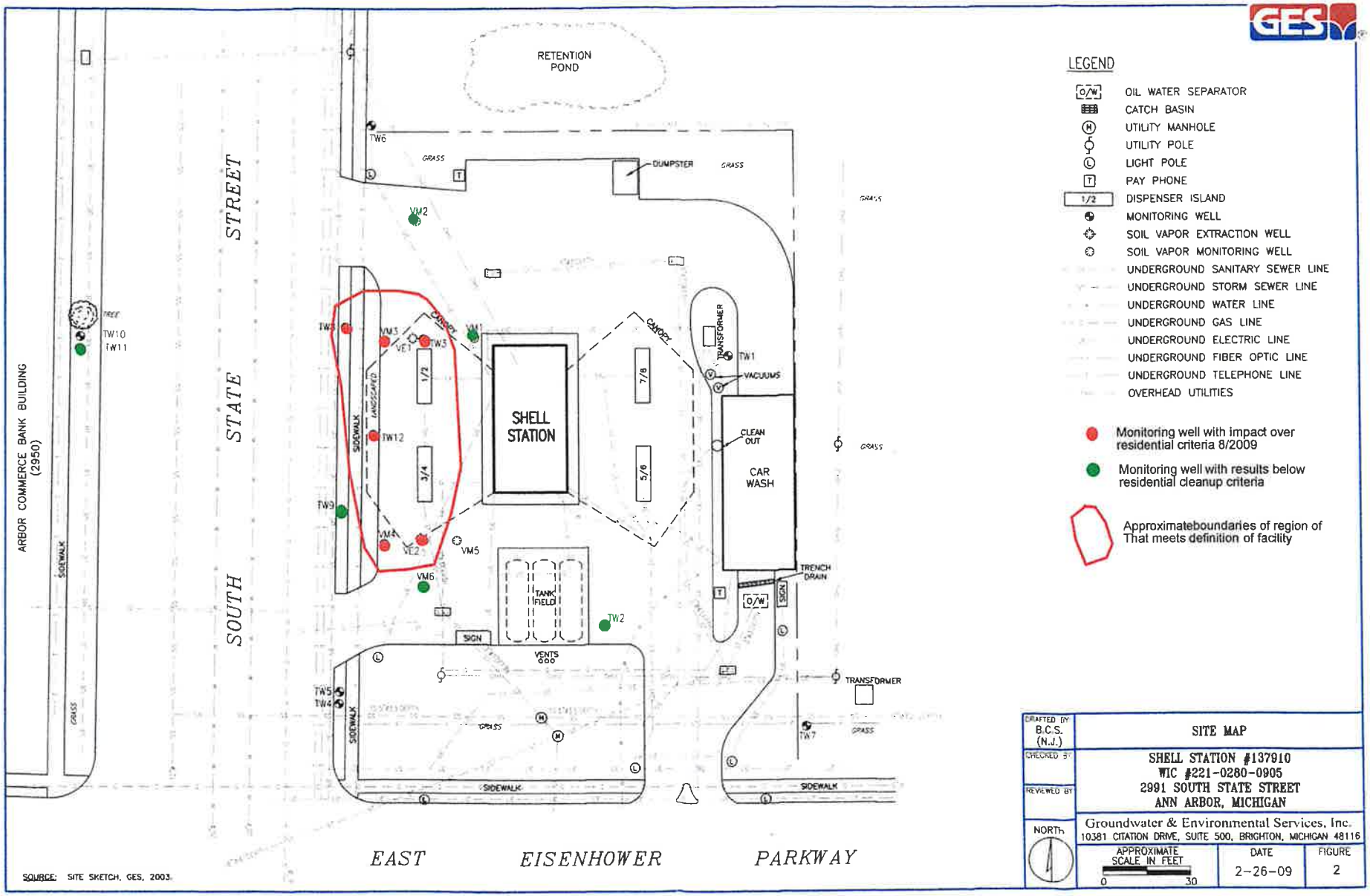
The most straightforward way to determine if the site is a facility is to collect a round of groundwater samples from wells TW-3, TW-8, TW-12, VE-2, VM-3, and VM-4. No soil sampling would be required so the data collection would be limited to the collection of groundwater from the six previously impacted well locations.

Alternatively, it may not be necessary to undertake any of these activities. The focus of all the activities to date has, appropriately, been on the condition of the groundwater on

the site. Because of the city ordinance requiring the use of municipal water, there may be no need for further site activities.

While it appears that facility status is not likely to be demonstrable at this time, that is not certain. What is certain is that there is insufficient data to support a conclusion that the Parcel is currently a facility.

Figure 1



SOURCE: SITE SKETCH, GES, 2003.

LEGEND

- O/W — OIL WATER SEPARATOR
- CATCH BASIN
- UTILITY MANHOLE
- UTILITY POLE
- LIGHT POLE
- PAY PHONE
- 1/2 — DISPENSER ISLAND
- MONITORING WELL
- SOIL VAPOR EXTRACTION WELL
- SOIL VAPOR MONITORING WELL
- UNDERGROUND SANITARY SEWER LINE
- UNDERGROUND STORM SEWER LINE
- UNDERGROUND WATER LINE
- UNDERGROUND GAS LINE
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND FIBER OPTIC LINE
- UNDERGROUND TELEPHONE LINE
- OVERHEAD UTILITIES

Monitoring well with impact over residential criteria 8/2009

Monitoring well with results below residential cleanup criteria

Approximateboundaries of region of That meets definition of facility

DRAFTED BY: B.C.S. (N.J.)	SITE MAP
CHECKED BY:	SHELL STATION #137910 WIC #221-0280-0905 2991 SOUTH STATE STREET ANN ARBOR, MICHIGAN
REVIEWED BY:	Groundwater & Environmental Services, Inc. 10381 CITATION DRIVE, SUITE 500, BRIGHTON, MICHIGAN 48116
NORTH	APPROXIMATE SCALE IN FEET: 0 30
	DATE: 2-26-09
	FIGURE: 2

M:\Graphics\137910-Detroit\Shell\137910 Ann Arbor\137910 Ann Arbor SAI.dwg BSchmidt

Exhibit B

Ann Arbor Observer

March 12, 2016

An Environmentally Sensitive Gas Station

Joseph Kafi cleans up the corner of State and Eisenhower.

By Sally Mitani | sallymitani@gmail.com

Joseph Kafi put his degree in biology from Wayne State to use when he overhauled the Shell station on the corner of State and Eisenhower.

Kafi says he hoped to upgrade the station in 2007, when he bought it from his brother-in-law Abraham Ajrouch. (Ajrouch still owns the Shell station up the road, the one with the Tim Hortons). The Great Recession derailed Kafi's plans, and it was only last May that he could get the bank loan he needed.

Now the work is done, and he's reopened as **A2 State Gate.** "We've improved the corner dramatically," Kafi says. "We cleaned up the soil, put in a fire hydrant and a water retention system for the hundred-year flood. You'll never see a lot of what we did," including double-walled fiberglass fuel tanks underground to prevent leaks.

Above ground, he's got Ann Arbor's (and as far as he knows, Michigan's) first high-speed commercial vehicle charging station. It can recharge an electric car in sixteen minutes for about $6. For more traditional cars, he's added two diesel pumps alongside the regular gas pumps. But he chose not to sell E85, the supposedly green high-ethanol fuel blend. "It's biofuel and subsidized by the government so it's cheaper, but until they come up with better science, I don't want it," he explains. "The energy it takes to make it is damaging to the environment." Even the canopy over the pumps may be put to work by putting solar panels on it.

Bonnie Bona, project manager with the Clean Energy Coalition and Ann Arbor Planning Commission member, has been working with him to put his sustainability plans into practice–hooking him up to the city's PACE program, for instance, which gives tax incentives for energy efficiency. Bona has been impressed by Kafi's approach. "He's very conscious of that building's relationship to the buildings in the area, and thinking about doing the right thing–I saw him trying to be more than just a gas station," she says. "That's really leadership. That's stepping out. We don't always get that with gas stations."

Part of the inside is still under construction. In the spring, Tia Saad will open a Phoenician Thyme there. Kafi emails: "It will offer healthy and flavorful Mediterranean food that's produced from ethically sourced, local ingredients," including many vegetarian and vegan options.

Exhibit C

Subject: **2800 East Boardwalk Drive - Parking Garage**
Date: 5/19/2026 8:56:59 PM Eastern Daylight Time
From: GMarkey@a2gov.org
To: wiedert@aol.com
Cc: GMarkey@a2gov.org

Mr. Wieder,
Earlier this afternoon you requested from the assessing department several years of property value information related to a parking garage currently located at 2800 E Boardwalk Drive. Prior to 2024, the parking garage you are seeking information on was assessed to 789 E Eisenhower Pky.
Attached are assessor valuation reports for assessment years 2018 through 2026 with the requested information.
Respectfully,
Jerry Markey

Jerry Markey, City Assessor (he him his)
City of Ann Arbor | Guy C. Larcom City Hall | 301 E. Huron, 5th Floor · Ann Arbor · MI · 48104
734.794.6530 (O) | Internal Extension 45370
gmarkey@a2gov.org | assessor@a2gov.org

ANN ARBOR BICENTENNIAL
1824-2024

Property Address - 789 E Eisenhower Pky		
parcel number	09-12-04-300-063	
True Cash Value Land and Building		
Improvements	2020	
Land Value	$	2,963,353
Land Imrovement Value	$	45,229
Buildng Value Office	$	24,877,879
Buildng Value Parking Garage	$	4,470,336
Total True Cash Value	$	32,356,797
Total Assessed Value	$	16,178,400

Property Address - 789 E Eisenhower Pky		
parcel number	09-12-04-300-063	
True Cash Value Land and Building		
Improvements	2019	
Land Value	$	2,963,353
Land Imrovement Value	$	47,196
Buildng Value Office	$	24,839,137
Buildng Value Parking Garage	$	4,572,291
Total True Cash Value	$	32,421,977
Total Assessed Value	$	16,211,000

Property Address - 2800 E Boardwalk Dr		
parcel number	09-12-04-300-063	
True Cash Value Land and Building		
Improvements	2018	
Land Value	$	2,963,353
Land Imrovement Value	$	49,163
Buildng Value Office	$	24,743,347
Buildng Value Parking Garage	$	4,279,964
Total True Cash Value	$	32,035,827
Total Assessed Value	$	16,017,900

Property Address - 789 E Eisenhower Pky	
parcel number	09-12-04-300-063
True Cash Value Land and Building	

Improvements	2023
Land Value	$ 4,782,942
Land Imrovement Value	$ 41,296
Buildng Value Office	$ 23,265,946
Building Value Parking Garage	$ 3,621,240
Total True Cash Value	$ 31,711,424
Total Assessed Value	$ 15,855,700

Property Address - 789 E Eisenhower Pky	
parcel number	09-12-04-300-063
True Cash Value Land and Building	

Improvements	2022
Land Value	$ 4,782,942
Land Imrovement Value	$ 41,952
Buildng Value Office	$ 22,705,918
Building Value Parking Garage	$ 3,557,607
Total True Cash Value	$ 31,088,419
Total Assessed Value	$ 15,544,200

Property Address - 789 E Eisenhower Pky	
parcel number	09-12-04-300-063
True Cash Value Land and Building	

Improvements	2021
Land Value	$ 3,542,313
Land Imrovement Value	$ 43,918
Buildng Value Office	$ 25,174,045
Buildng Value Parking Garage	$ 3,868,560
Total True Cash Value	$ 32,628,836
Total Assessed Value	$ 16,314,400

Property Address - 2800 E Boardwalk Dr	
parcel number	09-12-04-300-067
True Cash Value Land and Building	
Improvements	2026
Land Value	$ 3,359,911
Land Imrovement Value	$ -
Buildng Value Parking Garage	$ 4,704,961
Total True Cash Value	$ 8,064,872
Total Assessed Value	$ 4,032,400

Property Address - 2800 E Boardwalk Dr	
parcel number	09-12-04-300-067
True Cash Value Land and Building	
Improvements	2025
Land Value	$ 3,359,911
Land Imrovement Value	$ -
Buildng Value Parking Garage	$ 4,361,688
Total True Cash Value	$ 7,721,599
Total Assessed Value	$ 3,860,800

Property Address - 2800 E Boardwalk Dr	
parcel number	09-12-04-300-067
True Cash Value Land and Building	
Improvements	2024
Land Value	$ 2,687,929
Land Imrovement Value	$ -
Buildng Value Parking Garage	$ 3,827,950
Total True Cash Value	$ 6,515,879
Total Assessed Value	$ 3,258,000

Ann Arbor City Assessor Valuations of 2800 East Boardwalk Property 2018-2026

Year	Building Value	Land Value	Total Value
2018	$4,279,964	$2,963,353	$7,243,317
2019	$4,572,291	$2,963,353	$7,535,644
2020	$4,470,336	$2,963,353	$7,433,689
2021	$3,868,560	$3,542,313	$7,410,873
2022	$3,557,607	$4,782,942	$8,340,549
2023	$3,621,240	$4,782,942	$8,404,182
2024	$3,827,950	$3,359,911	$7,187,861
2025	$4,361,688	$3,359,911	$7,721,599
2026	$4,704,961	$3,359,911	$8,064,872

Notes:

1. This summary table was derived directly from the property value information supplied by City Assessor Jerry Markey on May 19, 2026, which accompanies this summary.

2. This parcel was previously part of a larger parcel, which has now been split. Accordingly, before the spilt, there was no calculated assessment specifically for what is now the 2800 E. Boardwalk property. This has no effect on the building value calculation, since that value would be the same on both parcels. For the land value, Mr. Markey reviewed the pre-split values, and assigned the appropriate portion to the Boardwalk parcel.

Exhibit D



Exhibit E

Tax Increment Revenue Capture Estimates
Arbor South Development
Ann Arbor, Michigan
11/11/2025

School Capture	Millage Rate	
State Education Tax (SET)	6.0000	30,654,186
School Operating Tax	18.0000	91,962,555
School Total	**24.0000**	**122,616,741**

Local Capture	Millage Rate	
County General Operating	4.3512	22,230,415
County Parks	0.7121	3,638,141
EECS County	0.1910	975,824
HCMA	0.2062	1,053,482
Vet Relief	0.1000	510,903
Roads	0.5000	2,554,514
County Public Safety and Mental Health	0.9693	4,952,183
County Senior Millage	0.5000	2,554,514
Conservation	0.0197	100,647
City General Operating	5.7903	29,582,822
Employee Benefits	1.9299	9,859,920
Refuse Collection	2.3156	11,830,470
Street Repairs	2.0130	10,284,478
Parks Maintenance & Repairs	1.0720	5,476,881
Parks Acquisition	0.4483	2,290,377
Sidewalks	0.1983	1,013,121
Affordable Housing	0.9922	5,069,179
Community Climate Action	0.9989	5,103,410
AAATA City	1.9299	9,859,920
AAATA All AREAS	2.3740	12,128,841
AAPS Voted Sinking Fund	2.4103	12,314,297
Public Library	1.8228	9,312,742
WISD Operating	0.0937	478,718
WISD Special Education	5.1452	26,286,982
Community College Operating	3.3548	17,139,775
Local Total	**40.4387**	**206,602,556**

Total Tax Increment Revenue (TIR) Available for Capture 329,219,297

(Addendum)
Memorandum re: Arbor South Brownfield Plan

There have been several developments since the preparation of the principal Memorandum which warrant the consideration of the MSF.

On May 29, just nine days after the Washtenaw County Board of Commissions approved, on second reading, the Arbor South Brownfield Plan, the Author filed a FOIA request with the MSF seeking all documents relevant to the Arbor South project.

After extensions and delays, the MSF replied to the Request, on July 9, 2026, stating that there were 1,281 pages of documents which were responsive to the Request. The author was instructed to make a good-faith deposit of $390.96 to process the Request, which was promptly done.

On July 20, 2026, the MSF provided its Response to the Request. It consisted of six pages (two were duplicates) which were: Redacted copies of two checks paid for filing fees, with a cover letter and two unidentified lists of activities. The Request was denied as to the other 1,275 pages.

The author appealed the redactions, which was denied by MSF CEO Messer.

As early as May 2026, representatives of the developer informed the Author that it had been in contact with the MSF and that its staff was reacting very favorably to the project.

On August 14, 2026, the Author learned that the Washtenaw County Brownfield Redevelopment Authority had approved the "Act 381 Work Plan to Conduct MSF Eligible Activities" for the project, dated August 5, 2026. It seems unlikely that the MSF played no role in the development of the Work Plan and possessed no documents related to it, even including routine correspondence.

Having reviewed the Work Plan, the Opponents of the Arbor South Brownfield Plan hereby supplement the original Memorandum provided to MSF Board members.

Addressing specific sections of the Work Plan:

1.1 PROPOSED REDEVELOPMENT AND FUTURE USE

"[S]upportive retail, dining, and entertainment that will allow residents, employees, and visitors to enjoy this 24/7 neighborhood; and a public plaza to host programming such as farmers' markets, football tailgating, and summer concerts."

All of this is unenforceable sales puffery. None of those activities will be required; they will take place at the sole discretion of the developer. Some of it is just silly. Tailgating two miles from

Michigan Stadium with no open area which would accommodate a gathering of vehicles? There is no "public plaza," in the sense of being controlled by the public. The developer will completely control what takes place, when and how.

"[A] variety of housing options." Actually, 981 apartments in nearly identical six-story buildings and 30 for-sale condos.

"The project will create approximately 250 new full-time equivalent (FTE) commercial, retail, leasing, and maintenance jobs with an anticipated average hourly wage of $22.33/hr."

Annualized at $46,000, this amounts to barely 50% of Area Median Income (AMI). It is likely that the bulk of these jobs will be part-time retail jobs at less than the average hourly rate, with no benefits.

"The project will add significant tax base to the City of Ann Arbor..."

This is utter nonsense. The tax capture will deprive the city of any future additional revenue for thirty years. In the meantime, it will be providing the full range of city services to the residents, business owners and the developer. Similarly, all other taxing authorities will be negatively affected.

1.3.1 HISTORICAL USE OF EACH ELIGIBLE PROPERTY

"2991 South State Street... The property is currently vacant."

If the property is "currently" vacant, it is because the developer deliberately made it so. It contains the same buildings and facilities which were built just 10 years ago, which the developer purchased for $4.7 million few years ago and which operated successfully until November 2025, when the developer closed it, probably in anticipation of making the argument that it is now making.

"2845 South State Street...The remainder of the property at 2845 South State Street consists of vacant land."

This is untrue. The property is used for parking for the adjacent 777 East Eisenhower office tower, owned by one of the developer business entities.

"2800 EAST BOARDWALK... The property served as parking lot to the 789 East Eisenhower Parkway and is currently vacant."

This is untrue. The appropriate characterization is "serves," not "served," as the property still provides parking for the 789 building.

1.7.4 OVERALL BENEFIT TO THE PUBLIC

"The development will also respond to the demand for high quality commercial and residential space that the neighborhood currently lacks."

In reality, the neighborhood does not lack for any of these things. Across the street, literally, is the Briarwood Mall, which contains three national anchor stores, dozens of shops of all kinds, multiple restaurants and significant open indoor space, all in a year-round climate-controlled environment. It also includes a large, full-service supermarket. Just opened is The Harlan, a 350-unit luxury apartment complex on the mall site.

Just a few blocks further north, under construction is the 450-unit Arbour on Main apartment complex.

None of these projects is receiving any public support.

ANN ARBOR HOUSING COMMISSION
2000 South Industrial Highway, Ann Arbor, Michigan 48104
Phone (734) 794-6720 • Fax (734) 994-0781 • www.a2gov.org

September 13, 2026

Michigan Strategic Fund

Michigan Economic Development Corporation
300 N. Washington Square
Lansing, MI 48913

RE: Letter of Support — Arbor South Brownfield Plan

Dear Members of the Michigan Strategic Fund Board:

The Ann Arbor Housing Commission (AAHC) is in strong support of the proposed Arbor South Brownfield Plan and respectfully urges the Michigan Strategic Fund to approve the requested tax increment financing.

AAHC has entered into a public-private partnership with Oxford Companies and Crawford Hoying to deliver permanently affordable housing as an integral component of the Arbor South redevelopment. As a public agency focused on expanding affordable housing opportunities, AAHC believes Arbor South represents a rare opportunity to provide a significant number of affordable homes within a large-scale, mixed-use development in a highly accessible location.

The Arbor South site—located at the northeast corner of S. State Street and E. Eisenhower Parkway—is one of Ann Arbor's most prominent gateway locations. Today, the site is characterized by a gas station, surface parking, and a functionally obsolete parking structure. Redevelopment will transform this underutilized property into a mixed-use, walkable neighborhood incorporating more than 1,000 residential units, commercial and retail uses, a hotel, public open space, and improved connections to transit and surrounding employment centers.

Most importantly from AAHC's perspective, the project will provide 200 permanently affordable housing units, integrated within the broader development and located within walking distance of jobs, transit, services, and other daily amenities. The affordable component represents a substantial addition to Ann Arbor's existing affordable housing inventory and provides an opportunity to serve households at a range of income levels in a location where new affordable housing is particularly difficult to create.

EQUAL HOUSING OPPORTUNITY

The integration of permanently affordable housing with substantial market-rate housing is an important feature of Arbor South. Rather than concentrating affordable housing in isolated locations, the project creates a mixed-income neighborhood in which affordable housing is part of a larger, connected community. AAHC believes this model demonstrates how public and private partners can work together to expand housing opportunities while advancing broader community redevelopment objectives.

The scale and complexity of Arbor South—including the affordable housing commitment, brownfield remediation, public infrastructure, structured parking, transit-oriented improvements, and significant mixed-use development—create substantial financial challenges. The Brownfield Plan provides an important financing mechanism to help address those challenges and support the redevelopment of a currently underutilized and functionally obsolete property.

For these reasons, the Ann Arbor Housing Commission respectfully urges the Michigan Strategic Fund to approve the Arbor South Brownfield Plan. AAHC believes the project represents a meaningful public-private partnership that will address an important community need while returning a significant underutilized property to productive use and creating permanently affordable housing in a highly desirable and accessible location.

AAHC is committed to its partnership with Oxford Companies and Crawford Hoying and to seeing the affordable housing components of Arbor South delivered as planned.

Thank you for your consideration and for your continued support of initiatives that expand affordable housing opportunities in Michigan.

Sincerely,



Jennifer Hall
Executive Director
Ann Arbor Housing Commission
Jhall@a2gov.org
734 794-6721

ANN ARBOR SPARK

Driving Smart Economic Growth in Service of Prosperity for All
Acceleration • Growth • Talent • Community

June 2026

To: Michigan Strategic Fund Board Members
Subject: Support for the Arbor South Redevelopment and Brownfield TIF Plan

Dear Members of the Michigan Strategic Fund Board,

On behalf of Ann Arbor SPARK, I am writing in support of the Arbor South redevelopment project and the associated Brownfield TIF plan.

Arbor South represents the type of coordinated public-private investment needed to support long-term economic competitiveness in the Ann Arbor region, and across Michigan. The project addresses one of the most significant constraints facing our innovation economy today: the mismatch between employment growth and housing availability near major job centers.

The Ann Arbor region continues to attract high-growth companies, founders, researchers, and employees. However, rising housing costs and limited housing supply increasingly constrain our ability to recruit and retain talent. By adding approximately 1,000 new housing units, including permanently affordable housing, Arbor South will expand housing options for working professionals, families, and residents who are currently priced out of proximity to employment opportunities.

This project also directly advances one of the pillars of Ann Arbor SPARK's strategic plan. Our economic development work has been successful: attracting and retaining companies creates real demand for housing from the talent we are working to bring to and keep in Ann Arbor. Community development investments like Arbor South are how we close that loop, ensuring that our region's growth translates into livable, accessible communities for the workforce that drives it.

Just as importantly, the project transforms an underutilized commercial corridor into a higher-density mixed-use district. Located at the intersection of I-94 and State Street, Arbor South sits at one of the primary gateways into Ann Arbor for the thousands of people who enter the community each day for work, school, and health care.

The redevelopment of this corridor presents an important opportunity to strengthen both the physical gateway and the long-term economic competitiveness of one of Michigan's leading innovation and talent centers.

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Vig Construction

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The plan incorporates infrastructure improvements, multimodal transportation access, structured parking, and walkable development patterns that better align with the evolving needs of residents and employers.

The Brownfield TIF mechanism is a critical component of making this redevelopment feasible. As you know, the plan provides a performance-based approach to financing necessary infrastructure and site improvements while leveraging substantial private investment and protecting the existing tax base. Over time, the project is expected to generate significant new taxable value and strengthen local and state revenues.

Arbor South demonstrates how state and local partnership can unlock large-scale redevelopment that advances housing supply, economic growth, and long-term community resilience. Projects of this scale are increasingly important to Michigan's ability to compete for talent and business investment.

We respectfully encourage the Michigan Strategic Fund Board to approve the Brownfield TIF plan and support the continued advancement of this important regional project.

Sincerely,



Paul Krutko
President & CEO
Ann Arbor SPARK

CC: Jeff Hauptman, Oxford Companies
Joe Giant, City of Ann Arbor
Nathan Voight, Washtenaw County

WASHTENAW COUNTY BOARD OF COMMISSIONERS
COMMISSIONER KATIE SCOTT, DISTRICT 9
CHAIR, BOARD OF COMMISSIONERS

220 N Main St | Ann Arbor, MI | 48104

September 18, 2026

Dear Members of Michigan Strategic Fund:

I am writing in my capacity as Chair of the Washtenaw County Board of Commissioners to express my support for the Arbor South development and its consideration by the Michigan Economic Development Corporation.

The Arbor South plan came before the Board of Commissioners for careful consideration and ultimately received the Board's approval. That approval followed substantial discussion, thoughtful questions from commissioners, and close examination of the proposal and its implications for our community. The process reflected the seriousness with which the Board approaches significant development projects in Washtenaw County.

Arbor South represents a substantial investment in our community and an important opportunity to address several of the challenges facing our region. The project will add needed housing supply, strengthen the local tax base, and support a more transit-oriented pattern of development. Its location and density offer the potential to connect more residents with employment, services, and transportation options while making more efficient use of existing infrastructure. These are important priorities for Washtenaw County as we work to support sustainable growth and maintain a strong, economically vibrant community.

I appreciate the work that has gone into the proposal and the engagement that occurred throughout the County's review. On behalf of the Washtenaw County Board of Commissioners, I am pleased to convey my support for Arbor South as MEDC considers the project.

Sincerely,

Katie Scott

Katie Scott
Washtenaw County Commissioner, District 9
Chair of the Board of Commissioners

INVESTUP™

August 26, 2026

Members, Michigan Strategic Fund
Care of: Mr. Matt Casby
Michigan Strategic Fund Office
300 North Washington Square
Lansing, MI 48933

RE: Thank you.

Dear Strategic Fund Members:

On behalf of InvestUP, along with its Board of Directors, which represent eleven industry sectors operating across all fifteen U.P. counties, I would like to express our sincere appreciation for your August 25, 2026, support of the Strategic Site Readiness Program grants to Copperwood Resources Inc. and the Gogebic County Road Commission.

Additionally, and as importantly, I also want to thank you for the approach you took in evaluating the merits of the Copperwood application. With the unique nature of the project, its complexity, and the understandable sensitivity around mineral extraction, your deliberate and thorough examination of the project's finances, its environmental impact and legacy, the public benefits and offer terms, as well as your willingness to listen to all those expressing both concern and support for the project, served all interested parties well.

In fact, I would respectfully suggest that your thoughtful, transparent and intentional examination not only made the terms and conditions for the project stronger for both the state, the company and concerned stakeholders, but should offer confidence in the objectivity and responsibility of your decision to stakeholders.

InvestUP and its partners look forward to continuing to support Copperwood to help ensure that your vote is honored by meeting the terms approved by this board, and with that not only bring at least 380 good paying, family sustaining, desperately needed jobs to the Western U.P., but help Michigan be a leader in mitigating our reliance on foreign supply chains for the critical materials that are imperative for electrification, 21st century energy infrastructure, and our national defense.

Lastly, you certainly received a crash course in non-ferrous metallic mining during this process. However, to truly understand the sustainability and safeguards associated with mining today, there is nothing like seeing an operational mine. We would welcome you to see firsthand the stringent standards by which a mine operates today and the integration the operation has within the community itself. Consequently, while I suspect Highland Copper will offer you an invitation to see the mine when it is in operation, if you desire a tour sooner and you find yourself in the Marquette area, we would welcome you to tour the Eagle Mine – which is, as you heard during testimony, the only nickel mine operating in the United States.

If that is of interest, if you have any other questions or concerns, or if you simply need a recommendation on sites to see in the Upper Peninsula, please feel free to reach out to me any time by way of my cell phone (906.280.7800) or my email (mifttante@investupmi.com).

Again, on behalf of InvestUP and those interests, stakeholders and communities we represent across the Upper Peninsula, thank you for your support and your approach with Highland Copper, Inc.'s and the Gogebic County Road Commission's Strategic Site Readiness Program grants. It will be difference-making.

Onward, UPward!

Sincerely,



Marty Fittante,
CEO, InvestUP

CC: Mr. Quentin Messer

MSF Comments (MEDC)

From: Rachel <rrlipson@gmail.com>
Sent: Wednesday, August 26, 2026 8:57 AM
To: MEDC MSF Comments
Subject: No Copperwood mine funding to an inexperienced foreign company!

Hello,

I am a Michigan resident and taxpayer who spends significant time on Lake Superior and I absolutely oppose GIVING this company any of our hard earned tax dollars. Why, if this mine is such a good investment, do we need to give them corporate welfare?

If this mine was implemented with proper environmental controls, it would still be a risk to the lake. Tailings ponds are not designed to handle 1000 year floods, which we are now getting every year.

And this company ALREADY has a track record of failing to follow environmental regulations, who have already been fined 25,000 dollars for environmental noncompliance even before operations have begun. Are we in the habit of rewarding companies that can't obey even basic regulations with huge taxpayer funded grants?
What kind of corporate citizens are we inviting to our state?
Thank you,
Rachel Lipson

MSF Comments (MEDC)

From: Chris Swartz <yooperscooper2@yahoo.com>
Sent: Wednesday, August 26, 2026 8:56 AM
To: MEDC MSF Comments
Subject: Written public comment-agenda item VI(A)-Copperwood comments-Chris Swartz

Please provide the below comments regarding the subject line and include them in the meeting record pursuant to MSF Public Comment Policy.

To the Members of the Michigan Strategic Fund Board:

My name is Chris Swartz. I am an enrolled member and corporate member of the Keweenaw Bay Indian Community. I submit these comments in my individual capacity regarding Agenda Item VI(a), the proposed Copperwood Mine Project resolution.

The resolution before you would approve a Strategic Site Readiness Program grant of $44,971,691 to Copperwood Resources Inc. and $5,028,309 to the Gogebic County Road Commission — a total of $50 million in public economic-development assistance associated with this project.

I respectfully ask the Board to reject the resolution or, at minimum, table it until the Board has determined whether the Michigan Strategic Fund's government-to-government consultation responsibilities have been appropriately addressed in connection with this funding decision.

Tribal concerns are already part of the Copperwood record

The Keweenaw Bay Indian Community and Lac Vieux Desert Band have already raised substantial environmental and treaty-resource concerns regarding Copperwood.Those concerns include impacts to water and natural resources, cultural resources, wildlife and treaty-protected interests. I support those concerns. I do not intend to duplicate the environmental record developed by those Tribal governments.

Instead, I ask the Board to consider a different question that belongs specifically to the Michigan Strategic Fund:

Should the State commit $50 million in economic-development assistance to this project while significant concerns raised by sovereign Tribal Nations with treaty interests in this landscape remain outstanding?

A regulatory permit and a public financial incentive are different governmental decisions.

Receiving environmental permits does not, by itself, create an entitlement to $50 million in public economic-development assistance.

An executive-to-executive relationship

Chair Messer has publicly described MEDC's desired relationship with Michigan's Tribal Nations as an "executive-to-executive relationship." I appreciated that description because it recognizes an important distinction: Tribal Nations are not simply stakeholders. They are sovereign governments. An executive-to-executive relationship has the most meaning when governmental interests are difficult and do not necessarily align.

Copperwood presents exactly that kind of situation.

Michigan has established a government-to-government consultation framework

Michigan has formally recognized this relationship through Executive Directive 2019-17. That Directive requires state departments and agencies to adopt and implement government-to-government consultation processes. When undertaking an action or decision, an agency is to evaluate whether that activity may affect tribal interests such that consultation would be appropriate. The Directive expressly recognizes potential effects upon treaty rights, natural-resource or environmental interests, and economic or commercial interests as implications for Tribal Nations.

The State of Michigan also identifies a specific Tribal Consultation Policy for the Michigan Strategic Fund.

For that reason, I believe several questions should be answered before this Board commits $50 million:

Has MSF evaluated this proposed $50 million financial decision under its Tribal Consultation Policy? Were KBIC and Lac Vieux Desert identified as Tribal Nations potentially affected by this decision? Did MSF determine that government-to-government consultation was appropriate? If so, has that consultation occurred, and how was the governmental input of those Tribal Nations considered in the recommendation now before this Board?

These questions matter because environmental permitting and a decision by MSF to provide $50 million in economic-development assistance are not the same governmental action.

Likewise, the opportunity to submit public comments is not the same thing as government-to-government consultation between sovereign governments.

If MSF has already completed the consultation process applicable to this decision, the Board should be able to establish that on the record and explain how Tribal input was considered. If the Board cannot answer those questions today, tabling this resolution is not opposition to economic development. It is a reasonable course that allows Michigan to address its established government-to-government process before committing $50 million in public resources.

Tribal Nations and Michigan's economic-development system

There is another part of this relationship that deserves consideration. For decades, Michigan Tribal Nations have made gaming revenue-sharing payments to the Michigan Strategic Fund and MEDC under tribal-state gaming arrangements. Those revenues have contributed to Michigan's economic-development system. I am not claiming that a particular tribal gaming dollar is being transferred directly to Copperwood, nor am I suggesting that all Tribal Nations currently make identical payments. My point is about the broader relationship. An economic-development institution that has benefited from substantial revenues generated by Tribal Nations should give meaningful weight to those same sovereign governments when its investments may affect their treaty-protected interests. Different accounts and different statutory funding sources do not erase that government-to-government relationship.

The 1842 Treaty landscape has lasting value

Copperwood is proposed within the broader 1842 ceded territory. Treaty-reserved rights to hunt, fish and gather depend upon functioning ecosystems and the continued existence of the water, fisheries, wildlife, plants and habitat necessary to exercise those rights. Those resources have sustained Native people for generations and must remain capable of sustaining generations yet to come. That leads to another question I ask each member of this Board to consider before committing $50 million: If Michigan is prepared to make a major public investment in the economic viability of Copperwood, what protections and conditions are being required to ensure that treaty-protected resources remain viable long after the economic life of the mine?

The projected jobs matter.

Copper matters.

Economic development matters.

But so does what remains when the mine is gone. The economic benefits presented to this Board should be considered alongside the long-term and cumulative risks to the waters, fisheries, wildlife, cultural resources and treaty-protected resources of the western Upper Peninsula and Lake Superior watershed.

A reasonable course is available

This does not have to be reduced to a choice between supporting jobs and protecting natural resources.

A $50 million public investment gives the State an opportunity — and, in my view, a responsibility — to exercise greater care.

Before voting on Agenda Item VI(a), I ask the Board to establish on the record: whether MSF evaluated this $50 million decision under its Tribal Consultation Policy; whether KBIC and Lac Vieux Desert were identified as potentially affected Tribal Nations; whether consultation was determined appropriate; and if so, how their governmental input was considered in the recommendation now before you.

If the Board cannot answer those questions today, there is a responsible alternative to approving the resolution: table it.

Chair Messer's description of the relationship between Michigan's economic-development leadership and Tribal Nations as executive-to-executive was important.

This is where that relationship is tested.

Michigan's economic-development system has benefited from its relationships with Tribal Nations. Those relationships should carry meaningful weight when the same system considers a substantial public investment in development within a treaty landscape.

For these reasons, I respectfully ask the Michigan Strategic Fund Board to reject Agenda Item VI(a), or at minimum table the resolution until the Board is satisfied that the applicable government-to-government consultation process has been addressed and that the treaty-resource concerns raised by KBIC and Lac Vieux Desert have received meaningful consideration.

Miigwech.

Chris Swartz

Enrolled Member and Corporate Member

Keweenaw Bay Indian Community

Submitted in individual capacity
August 24, 2026

MSF Comments (MEDC)

From: Steven <scgarske@gmail.com>
Sent: Wednesday, August 26, 2026 8:55 AM
To: MEDC MSF Comments
Subject: MSF Public Comment

To the Michigan Strategic Fund:

I wanted to make this verbal comment at your meeting today, but because I and some 127 others (presumably mostly UP residents who would be most affected by this mine) who signed up to comment online were required to wait until the end of the meeting, I won't be able to comment online. So here are my comments in writing.

Comments

My name is Steven Garske and I am a long-time resident of Marenisco Township in Gogebic County. I am a 67-year old recent retiree who enjoys fishing, sight-seeing and exploring the woods, streams, rivers and wetlands of the western UP.

I notice that one of your agenda items is titled, "Develop Attractive Places". Well if this 50 million dollar giveaway of taxpayer money is approved, it would do just the opposite. It would destroy one of the most attractive places in the country.

The proposed Copperwood mine would be immediately adjacent to the Porcupine Mountains Wilderness State Park and less than a mile from the largest freshwater lake in the world. This area is currently accessible with a perfectly good, 2-lane paved road with a 55 mph speed limit.

The handout of $50 million dollars in public tax money that's being considered here is designed entirely to benefit a Canadian mining company. The mine is projected to last only 10.8 years, but the massive tailings facility, contaminated water and degraded land left behind will effectively be our problem forever. This is another example of a corporation privatizing the profits while leaving the long-term costs for the public to deal with.

This is a terrible place for a mine. Please REJECT Highland Copper's request for $50 million in taxpayer money.

Replies to comments by politicians and Highland employees

I also want to address several comments made by elected representatives at the beginning of the comment period, and Highland employees just before the vote:

They say we need the copper - but the company has already stated that the ore will be shipped to Canada for processing. From there it will be sold on the world market.

They say the economy of the western UP is bad - but that's largely because of the boom and bust mining economy of the past. The area is diversifying and growing. Why take us back to the mining-based

economy that caused the problem in the first place?

They say housing prices in the western UP are low. But there's lots of talk nationwide about ways to increase the availability of affordable housing. In many ways affordable housing is a GOOD thing.

Barry O'Shea stated that Copperwood has all its mining permits. This is false. They do not have their NPDES permit to replace their expired permit. As I understand it they also do not have a permit for their tailings facility. O'Shea also stated that their one and only violation of their permits was the one for which they received in 2018, for which they were fined $25,000. In 2023, however, the company excavated temporary stream channels even though their permit for such activities had already expired.

I forget the exact wording but Marty Fittante implied that comments against the grant by people from downstate and nearby states (primarily Wisconsin) who testified in person at the meeting don't really represent the views and wishes of the Michigan public and don't care about the UP. That's pretty rich coming from a Canadian mining company. Meanwhile people from the UP who were waiting to testify online were unfortunately moved to the end of the meeting.

It is unfortunate that the MSF board has approved this grant, and I think this will become increasingly obvious as time goes on.

Steven Garske
PO Box 4
Marenisco, MI 49947
scgarske@gmail.com

MSF Comments (MEDC)

From: Laura Hobson <laurahobson.artist@gmail.com>
Sent: Wednesday, August 26, 2026 8:53 AM
To: MEDC MSF Comments
Subject: Oppose Funding For Copperwood Mine

Hello, I'm a resident of Grand Rapids, Michigan who has been following the Copperwood Mine saga for the last 2 years. I'm once again asking people I don't know to do right by their fellow Michiganders and **oppose** funding for the Copperwood Mine. If you need reasons, here are mine: Building this mine would require logging in one of the last remaining old-growth forests in the Eastern United States. Old-growth forests are a critical part of our ecosystems and for research-based scientific discovery. This mine would create pollution, and not pollution that is easy to hide or get rid of. This mine would create a toxic waste basin requiring special attention and maintenance in perpetuity. Some of the toxins include arsenic, mercury, cadmium, and lead...all stored uphill and in close proximity to Lake Superior. This foreign company has not proven to be trustworthy. They're inexperienced, they've failed to secure debt financing, failed to meet any of the conditions imposed by the MSF on the original grant, the company has already been fined for unauthorized drilling without a permit ($25,000), and 100% of the jobs they claim to create will vanish in 10 years.
The proposed Copperwood Mine is **not** good for tourism, not good for building lasting jobs, not good for the environment, and certainly not good for Michiganders. Oppose funding for the Copperwood Mine.

Thank you for reading,
Laura Hobson

MSF Comments (MEDC)

From: Andrew Holmes <holme8335@gmail.com>
Sent: Wednesday, August 26, 2026 8:31 AM
To: MEDC MSF Comments
Subject: Selling Michigan's Natural Beauty

Way to go giving $50 million dollars away to a company that's going to pollut not only the land but the waters of Lake Superior. Really looking out for Michiganders and definitely not lining your own pockets. I'm sure we won't look back on this as a disgraceful point in history. I'm sure you can look the future generations in the eye and rationalize that being proper stewards of the land simply wasn't profitable enough.

Hope you sleep well looking down at all of us peons,
Andrew Holmes

MSF Comments (MEDC)

From: Rick Certano <rcertano@gmail.com>
Sent: Tuesday, August 25, 2026 11:14 PM
To: MEDC MSF Comments
Subject: Porky's copper mine

Dear board members:
I am at a loss to understand how a decsion was made to grant a Canadian firm $50 million for site preparation when not one member of your board is Native American nor from the UP. Have any of you visited this site? Have any of you visited any of the abandoned mine sites in the UP. I'm not sure who you represent, certainly not the people who love and cherish the Porkies and lake Superior. The people of the UP have servived without this mine and they will continue to survive without it. Now you will risk the legacy of Michigan's unique and irreplaceable beauty with another toxic mine. You all should be ashamed of yourselves! 10 years of mining pollution is not going to change the trigectory of the UP for the better. Instead it is going to continue the destruction! Short term thinking for long term negative results. All of you should be ashamed of yourselves!!
Frederick P Certano

MSF Comments (MEDC)

From: John Gillette <jdgmusic76@gmail.com>
Sent: Tuesday, August 25, 2026 3:28 PM
To: MEDC MSF Comments
Subject: Re: Automatic reply: Oppose Highland Copper Funding

I'm extremely disappointed in this morning's vote to spend $50M of tax-payer money to have a Canadian company, Highland Copper, destroy an ecosystem here in the U.P. From what I understand, there were 127 comments yet to be considered and more than 50 in-person comments opposing the idea that were brushed aside. Everyone on the MI Strategic Fund that voted in favor of this squandered tax expenditure will be held accountable for all the ecological destruction, economic bust after the "boom" and cost of the clean-up once the company has extracted minerals to enrich themselves.

Sincerely,

John Gillette
Marquette, MI

On Mon, Aug 24, 2026 at 2:45 PM MEDC MSF Comments <msfcomments@michigan.org> wrote:

> Your public comment has been received and will be shared with the Michigan Strategic Fund Board. Thank you for your interest in economic development and job creation here in Michigan.
>
> Please note, this is an auto-generated email response. Please do not reply to this message. Any additional inquiries can be directed to an MEDC representative using the following link: https://www.michiganbusiness.org/about-medc/contact-medc/

MSF Comments (MEDC)

From: Kirsten Nelson <22kirstennelson@gmail.com>
Sent: Tuesday, August 25, 2026 11:37 AM
To: MEDC MSF Comments
Subject: Please DENY funding to the Copperwood Mine

Hi my name is Kirsten Nelson, I am a resident of Kalamazoo county, and today I would like to ask you to DENY the $50 million dollar funding for the Copperwood Mine. I am aware that a large argument in support for this mine is that it will provide healthy economic growth in the area surrounding the Copperwood Mine, but this conclusion lacks very important context. Mining rarely leads to long-term economic improvement in rural communities. Jobs the mine would create are inconsistent and rely heavily on the selling price of copper which could change at any moment, resulting in many of those new employees to be laid off due to a fluctuating market. We do not need the business of the Copperwood Mine, owned by a foreign company, to help the upper peninsula. It will not help our economy in any truly significant way and is not worth using $50 million dollars of taxpayer money. I would much rather see grants like this be redirected to small Michigan businesses or to the protection of the forests and lakes that make this state so appealing to tourists.

As a young speaker stated during the meeting, a job length of 10 years is not appealing enough to move for. 10 years is hardly a future for the young people of the U.P. who would take these jobs, and would not encourage people to build families and community permanently in the area surrounding the mine. This mine would also create tons of toxic waste as a byproduct, that would be put right next to the Porcupine Mountains and Lake Superior. If we look at similar operations that have happened in the past, we can see that economic investments in resource extraction did NOT help create long-term wealth for the economy of the town and immigration has come to a halt in these towns because nobody wants to live next to leftover mining waste.

Half of my family is from the U.P. I visit it every year, and I know many people who travel there to get away from noise, and pollution, and experience the beauty of nature. I love this state and this land, and I hope to continue to visit and witness the beauty of Northern Michigan for the rest of my life. I have not yet had the chance to visit the Porcupine Mountains, but I would like to be able to see it as it is now, before any more destruction is done to the land and to the community. I ask you again to DENY any and all funding for the Copperwood Mine. Thank you for your time.

- Kirsten N.

MSF Comments (MEDC)

From: Johnson Bridgwater <jbridgwater@wisconsinrivers.org>
Sent: Tuesday, August 25, 2026 11:26 AM
To: MEDC MSF Comments
Subject: Formal complaint-- U.P. resident; my comments were made worthless

Hello,

Please formally record my Public Comments regarding your Highland Copper grant support.

However, allowing for comment AFTER a vote has been made is purely anti-Democratic and indicates the "fix was in" on this vote. I LIVE IN GOGEBIC COUNTY, and your grant is a terrible idea.

My comments:

My name is Johnson Bridgwater and I am a full-time resident of Gogebic County who works full-time in Gogebic County, and who moved to Gogebic County specifically for the stunning– and increasingly RARE– landscape and natural environment in this area.
I urge you all to deny this grant whose true purpose is to lure Highland Copper to open a mine on the shore of Lake Superior.
The idea behind the grant– to fund infrastructure for an area devastated by a failed mining industry– is a good one, we need all the help we can get in the U.P. from down state.

However, I would rather see you convene a coalition of local EXISTING SMALL business owners as well as representatives of the outdoor rec industry and residents who moved here permanently, and WORK here full-time, to enjoy the outdoors.-- this is an established economy and things like the re-opening of Copper Peak prove there is plenty of room to merge business and the outdoors WITHOUT risking a catastrophe to The Presque Isle River and Lake Superior. Convene a true coalition to discuss economics without those who will benefit directly from Copperwood.

I would also urge all of you to speak with locals who will NOT gain financial incentives if the mine opens here– there are a lot of us who work full-time up north, and we would love to see remote worker surveys and inquiries– try something new, do not follow the same path that wrecked this region in the first place.

White Pine was closed, by the way, by COURT ORDER due to its known, constant air pollution– do not support that same path once again. I would also invite this board to come visit us up north– lets sit down and talk about what everyday people here need, and it is not a mine that has stated it will only be open for about a decade. THANK YOU FOR ALLOWING ME TO SPEAK.



Johnson Bridgwater, Water Advocates Organizer
River Alliance of Wisconsin
612 W. Main St, STE 200 | Madison, WI 53703
608-257-2424 x115
www.wisconsinrivers.org | jbridgwater@wisconsinrivers.org

Pronouns: He/ his/ him

MSF Comments (MEDC)

From: Roxana Gholami <gholamiroxana@gmail.com>
Sent: Tuesday, August 25, 2026 10:48 AM
To: MEDC MSF Comments
Subject: Comment on $50 million for our Porkies

Hi,

My name is Roxana Gholami and I live at 43440 Lipka Ct Canton MI 48187

I was born and raised in Michigan and I am writing to ask you to please protect our porcupine mines by denying the $50 Million dollars in taxes paper money the Canadian mining company is requesting. I would also ask that laws be passed to protect the porkies from being mined even in the case that the mining company somehow finds a way to raise private funding.

The damage to our environment and the destruction of the UP shouldn't be bought and sold. We need to protect our state from industries do the people Michigan is home to and for our kids to enjoy now and in the future.

Please do what is right for the citizens and the people of this state and not what will only be profitable to some foreign company.

Thank you,
Roxana Gholami

Sent from my iPhone

MSF Comments (MEDC)

From: Catherine Parker <brinkleycourt@yahoo.com>
Sent: Tuesday, August 25, 2026 9:41 AM
To: MEDC MSF Comments
Subject: no taxpayer dollars for Copperwood

This is a short-term project that will have long-term negative impacts. It will be visible from the Porcupine Mountains, one of the most beautiful parks in the U.S. It will discharge wastewater into Lake Superior. The legacy White Pine Mine tailings basin in Ontonagon County, Michigan, covers 5,600 acres and remains an environmental concern just two miles south of Lake Superior. For scale, check out the town of White Pine, indicated by a blue arrow.



Thank you for listening,

Catherine Parker
322 W. Ohio St.
Marquette, MI 49855

P.S. I grew up in White Pine.

MSF Comments (MEDC)

From: Lehren Olk-Szost <lolkszos@nmu.edu>
Sent: Tuesday, August 25, 2026 9:24 AM
To: MEDC MSF Comments
Subject: Oppose the Copperwood Mine

I am writing because I ask that the MSF does not grant tax-payer dollar

This mine is not good for Michigan. It is run by a foreign company, the jobs will be temporary, while the damage to the tourism, wildlife, and our precious waters will be permanent.

Who will be responsible for the mine waste leeching into the waters and the streams? Do we really believe that this company will be forever in control of this waste? Do you expect a foreign company with a short-term plan, is really best to be trusted for stewarding our lands and our waters for years and years to come?

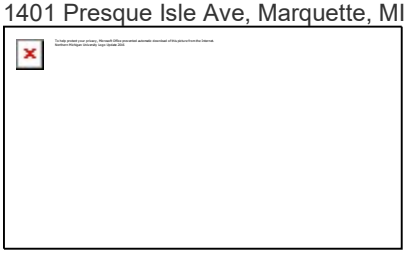
This mine will be is a short-term boon to the area for mining work, at the cost of hamstringing the tourism industry, and polluting our lands and waters. This is a horrible gamble for short term gains, which will leave the state and our country mostly anyhow.

There are many economic opportunities in Michigan that I would like to see the MSF use our taxes to fund, but the Copperwood Mine is not one of them!

Imagine if you fund this, and the gamble goes wrong, and the protections put in place by Copperwood fail,

When the protections fail, and we trust a company with an unreliable track record, when they fail to protect the largest freshwater lake on EARTH, it will be an absolute disaster with irreversible damages to our natural resource. Please do not make our state foot the bill for funding this impending disaster.

Lehren Olk-Szost
Northern Michigan University
Assistant Professor
Indoor Agriculture Program
College of Technology & Occupational Sciences
Jacobetti Complex
1401 Presque Isle Ave, Marquette, MI 49855



MSF Comments (MEDC)

From: Sam Scannell <snsscan@gmail.com>
Sent: Tuesday, August 25, 2026 9:06 AM
To: MEDC MSF Comments
Subject: DENY funding to Copperwood Mine

DENY all funding to Copperwood Mine.

Samantha Scannell
15086 Jonas
Allen Park, MI
48101

MSF Comments (MEDC)

From: Carl Lindquist <Carl@superiorwatersheds.org>
Sent: Tuesday, August 25, 2026 8:42 AM
To: MEDC MSF Comments
Subject: No Funding For Copperwood Mine

I am writing to oppose any funding for the Copperwood Mine due to potential impacts to groundwater and surface water including Lake Superior the headwaters of the Great Lakes ecosystem and over 40 million people living downstream.

Sincerely,

Carl Lindquist, Marquette, Michigan

MSF Comments (MEDC)

From: Kal Buttke <k.r.buttke@gmail.com>
Sent: Tuesday, August 25, 2026 7:26 AM
To: MEDC MSF Comments
Subject: Copperwood Public Comment

Hello,

My name is Kal Buttke and I have a comment regarding the Tues 8/25 vote for Copperwood:
Deny all funding to the Copperwood Mine. The Porcupine Mountains and Lake Superior are critical natural resources that must be protected. 98% of extracted material would be toxic waste, stored in unprecedented proximity to Lake Superior, requiring perpetual maintenance. If it were to rupture a breach would inundate the state park and lake with a surge of waste 10+ meters in depth.
Additionally, the company's latest financial report warns of significant doubt about the company's ability to continue as a growing concern. They only have, after a decade, $20 million cash on hand for $450 million project. Why should Michigan bail out a company & a project that the free market has chosen not to endorse?
Michigan does not want this mine!

I am a Lansing resident (201 S Bingham St, Lansing MI 48912).

Thank you,
Kal Buttke

MSF Comments (MEDC)

From: SEPTEMBER RYan <sweetautum82@msn.com>
Sent: Tuesday, August 25, 2026 5:48 AM
To: MEDC MSF Comments
Subject: Porkies

Please don't let the highland cooper to build a mine in the porkies AKA porcupines mountains. It will ruin our state parks and they have not met any of the conditions set by MSF . It will kill our endangered species like dace fish . Along with other negative effects like toxic waste.
And they haven't provided financial assurance.
Thanks your tax payer citizen
Get Outlook for iOS

MSF Comments (MEDC)

From: Lisa <lisarigato@yahoo.com>
Sent: Tuesday, August 25, 2026 3:20 AM
To: MEDC MSF Comments
Subject: Protect The Porkies

Please vote to protect our state park!
Say no to mining!

Sent from my iPhone

MSF Comments (MEDC)

From: Loralee Westmaas <llwestmaas@gmail.com>
Sent: Tuesday, August 25, 2026 12:41 AM
To: MEDC MSF Comments
Subject: Protect the Porkies

Our state citizens have previously told the people that want to fund the Copperwood mine that we, Michiganders, do not want this project to go ahead. The probability of pollution is great. Our beautiful, clean, unpolluted, great lakes are a national treasure that should never be auctioned off. This company does not have a history of developing mines. Why should MI be the first for this company to try their luck at mining? The copper is a resource that Michaganders own by right of being citizens of this wonderful state. It is not owned by Canada or China. Please do NOT fund this project.
Thank you,
J. Westmaas

MSF Comments (MEDC)

From: Loralee Westmaas <llwestmaas@gmail.com>
Sent: Tuesday, August 25, 2026 12:21 AM
To: MEDC MSF Comments
Subject: protect the Porkies

Please do not fund the copper mine. The pollution will be a stain on MI forever. MI Strategic Fund should not allow the taking of our natural resources by a company without a proven record. This funding has been voted down 3 times previously. Vote it down again please. Keep the Porkies and Lake Superior wild, clean and free .
Thank you,
L Westmaas

MSF Comments (MEDC)

From: Jonathan Bontrager <jdbontra@mtu.edu>
Sent: Monday, August 24, 2026 10:37 PM
To: MEDC MSF Comments
Subject: Reject subsidizing the Copperwood mine

Hello-

I live in Marquette MI, and strongly oppose this action.

This funding has THREE TIMES been denied due to overwhelming and massive public opposition from Michigan and beyond. To propose it again is quite frankly an insult and a complete disregard for democracy.

Thank you,
Jon Bontrager
Marquette.

MSF Comments (MEDC)

From: brandon gogebicrange.net <brandon@gogebicrange.net>
Sent: Monday, August 24, 2026 10:52 PM
To: MEDC MSF Comments
Subject: Copperwood Mine funding request

Hello,
I am writing in as a business owner and resident in Gogebic County. I am not in favor of the fund being used to promote the construction of the mine. If your looking to help our community please put funding into out small businesses in the areas as opposed to this foreign owned mine. Instead find small businesses that actually keep there money in our community.
Thank you for considering my comments in your decision.
Best Regards,
Brandon Yuchasz
Marenisco MI.

MSF Comments (MEDC)

From: mary schultz <gamaryschultz@gmail.com>
Sent: Monday, August 24, 2026 10:21 PM
To: MEDC MSF Comments
Subject: Mine meeting tues.aug.25th

I am totally against the mine construction proposed at Porcupine Mountains near Lake Superior.

PLEASE STOP IT.

This place is a one of a kind natural CLEAN beauty that should never be touched by corporations, technology or wealthy businessman. Its meant as a national treasure. Not a polluting, human killing, animal killing and nature and land killing eyesore. Its unbelievable to me it could even be considered. THINK for once, about existence of humanity instead of your wallets and stock/bank accounts.
YOUR children are humanity.

Mary Schultz
1359 Autumn Ln.
Rochester MI
248-953-5372

MSF Comments (MEDC)

From: Lisa Klinkman <lisaklinkman@gmail.com>
Sent: Monday, August 24, 2026 8:46 PM
To: MEDC MSF Comments
Subject: Please do not fund the Copperwood Mine!

Hello,
I'm a long time Michigan resident. My favorite places in the world are "up north" with beautiful Great Lakes, forests, and trails. I invite people from all over to come visit Michigan and it's pure beauty.

The Copperwood Mine puts our treasured and rare fresh water, it's wildlife, and tourism at risk. Please do not put the Porcupine Mountains and Lake Superior at risk with toxic waste from the Copperwood Mine!

Who benefits from this proposed mine? Surely not the people from the great state of Michigan!

Thank you for "listening" to me.

Sincerely,
Lisa S. Klinkman
4323 Katie Jo CT.
Ann Arbor, MI. 48103
734.846.6711

MSF Comments (MEDC)

From: Jen Carnahan <jennifer_carnahan@hotmail.com>
Sent: Monday, August 24, 2026 8:21 PM
To: MEDC MSF Comments
Subject: No to mining in the porcupines

Hi- I would like to strong disagree with allowing a mine to open so close to Lake Superior. Also, no to clearing more land and potentially damaging the fragile ecosystem of nearby streams and rivers.

Sincerely,
Jennifer Carnahan

MSF Comments (MEDC)

From: Andrew Kaplowitz <kaplowi4@gmail.com>
Sent: Monday, August 24, 2026 8:09 PM
To: MEDC MSF Comments
Subject: No copper wood mine

Please reject the proposed copper wood mine.

MSF Comments (MEDC)

From: Mike Erway <designer@mikeerway.com>
Sent: Monday, August 24, 2026 8:09 PM
To: MEDC MSF Comments
Subject: Copperwood Mine

I ask that you firmly reject the $50 million Copperwood Mine grant. Michigan's public dollars should protect the places that make our state special, not subsidize a mine on the doorstep of the Porkies and Lake Superior.

Mike Erway
231.631.5029 • mikeerway.com

MSF Comments (MEDC)

From: Bethany Goforth <bethany.phipps.design@gmail.com>
Sent: Monday, August 24, 2026 8:03 PM
To: MEDC MSF Comments
Subject: Please Deny Funding and Protect the UP and Lake Superior

Hello,

The Upper Peninsula of Michigan is dear to my heart. If any of you have been there and spent any time along the breath taking shores of Lake Superior or hiked through the forests of the North Country Trail, you know why this land and water is so special to so many people, especially us Michiganders.

Michigan fought long and hard to protect the Porcupine Mountains and it is one of the nation's most beautiful state parks. Fishing and kayaking on Lake Superior is bar none. Tourism and the sales of outdoor equipment to enjoy these areas would be drastically affected if the roadless areas are turned into an infrastructure that encourages more industry and pollution, and water is contaminated beyond repair.

Funding for this project has been denied three times already. Please, please, please help protect Michigan's natural resources and deny funding for the Highland Copper Mine. Thank you for your time and consideration.

Sincerely,
Bethany

MSF Comments (MEDC)

From: Michael Pavlovich <mj.pavlovich@gmail.com>
Sent: Monday, August 24, 2026 7:44 PM
To: MEDC MSF Comments
Subject: Copperwood Mine project

I support the funding of the Copperwood mining project.
With the rich history the UP of Michigan has due to mineral exploration and mining this project would be a continuation of that rich heritage.
The need for economic growth and revitalization of the local economy makes this project essential. There are no other opportunities in this area that could have the positive impact this project could provide to the entire Western UP.
I live in Ontonagon county in the shadow of the Porcupine Mountains and Lake Superior and feel the irrational fears being promoted by people who don't even live in this area are unwarranted. Copper is badly needed for our National interests, the current price of copper gives this opportunity an excellent chance to succeed.

Please approve the grant.

Regards,

Michael Pavlovich
12994 M-64, Marenisco, MI 49947

MSF Comments (MEDC)

From: Ryan Dybdahl <jrdybdahl@sbcglobal.net>
Sent: Monday, August 24, 2026 7:42 PM
To: MEDC MSF Comments
Subject: Please, Do Not Fund the Copperwood Mine.

The land around the Porkies park is much more valuable as part of Pure Michigan tourism attraction which supports most of the UP economy and jobs, and will be even more important in the future. Despoiling this area with surface mining and tailing deposits will provide a few jobs for a limited period but have lasting detrimental impact to the natural areas that power tourism in the UP!

Ryan Dybdahl
1619 Harbalo Drive
Ann Arbor, MI 48105
734-996-1746
Serenity is not freedom from the storm; but peace amid the storm. -S A Jefferson-Wright
Happiness lies in making others happy. --Avatar Meher Baba

MSF Comments (MEDC)

From: Carrie Plummer <carrieplummer@ymail.com>
Sent: Monday, August 24, 2026 7:19 PM
To: MEDC MSF Comments
Cc: Carrie Plummer
Subject: Please deny the $50 million Grant to Copperwood Project

Dear Michigan Strategic Fund Members,

We are writing you to ask you to deny the 50 million grant proposed for the Copperwood Mine Project.

We have spoken at every virtual meeting in the past but are unable to do this tomorrow, August 25th. So instead we are writing you urging you to deny this funding.

This funding has already been denied 3 times due to mass opposition. This is a very controversial issue that is massively opposed so therefore taxpayers should not be funding this grant. If they are a viable company they can seek money through the private sector.

Highland Copper is a Canadian company.
They are not a mining company, having never owned or operated a mine before. They're seeking to build their first ever mine right next to Porcupine Mountains State Park, one of the most beloved outdoor recreation destinations in the nation and one of the most pristine wilderness areas in the country.

This is an absolutely reckless venture. It is equally reckless for the MSF to be giving 50 million taxpayer dollars to this ill-fated project.

You as a group are risking your reputation by continuing down this very unpopular path. It is time for you to put this issue to bed and to finally deny for good such a dangerous waste of Michigan taxpayer money.

We are long time Upper Peninsula residence and business owners that are in the majority by opposing this.

We are strongly opposed to this grant and again urge you to please deny this grant for the 4th and hopefully final time.

Sincerely,
Jeff and Carrie Plummer
U.P. Resident

Yahoo Mail: Search, Organize, Conquer

MSF Comments (MEDC)

From: Annika <abinformed@gmail.com>
Sent: Monday, August 24, 2026 6:51 PM
To: MEDC MSF Comments
Subject: Protect the Porkies!
Attachments: 51294B75-9C60-4CF2-93CB-93B69E5A5662.jpeg; F62F66EC-E95E-4210-9B1D-CCBE1803834F.jpeg; E79361A5-9FF2-4F66-A7FC-DE5944EC0F36.jpeg; 8B63F0EA-439F-45D1-884D-C1A268BA9905.jpeg; 0A0E2D94-B964-4AF4-9610-0068CFB91098.jpeg; D76B1372-95BF-4956-AC0F-791E40AB89FF.jpeg; IMG_3034.jpeg

I am writing to urge the Michigan Strategic Fund to YET AGAIN **DENY** funding for the proposed Copperwood mining project in the Porcupine Mountains of Michigan!

I am including 13 very good reasons to deny the funding to this email. Personally, I see a lot of problems and practically ZERO benefit to allowing mining to proceed in one of the most beautiful wild places left in the State of Michigan!

As a concerned citizen of Michigan and an avid outdoors enthusiast and advocate, I cannot sit back and say nothing on matters like this. Do the right thing — DENY the funding!

MSF Comments (MEDC)

From: Ella Watylyk <ewatylyk@gmail.com>
Sent: Monday, August 24, 2026 6:28 PM
To: MEDC MSF Comments
Subject: Deny taxpayer funding for Copperwood mine

Hello,

My name is Ella, and I am an Illinois resident who frequently chooses to spend my tourist dollars in Michigan due to its spectacular natural beauty. I am very concerned over the risks the Copperwood mine poses to Michigan's environment and the beauty of the north woods.

Highland Copper is an inexperienced company without a proven track record of safe, sustainable mining practices. Risking pollution of pristine Lake Superior is simply too great a risk. As freshwater becomes more scarce and we start to see more frequent water shortages across the country. This precious resource needs to be protected at all costs, for Michigan residents, recreators, indigenous communities, and the millions of animals that call this region home.

Please do not allow taxpayer dollars to fund destruction, and please consider using them for projects that create a greener future for your constituents, not projects that tear away the world that sustains us. Thank you.

Ella Watylyk

MSF Comments (MEDC)

From: Brooke McManus <brookemcmanus01@gmail.com>
Sent: Monday, August 24, 2026 6:22 PM
To: MEDC MSF Comments
Subject: DENY TAXPAYER FUNDING TO THE COPPERWOOD MINE

Michigan Strategic Fund,

Listen to the people of Michigan and
DENY
FUNDING
TO
THE
COPPERWOOD
MINE
!!!

Do not hand over 50 million Michigan tax dollars to this irresponsible company!!

MSF Comments (MEDC)

From: Eric Hansen <ehansen@wi.rr.com>
Sent: Monday, August 24, 2026 6:21 PM
To: MEDC MSF Comments
Subject: Do not fund the Coperwood Mine

I urge the Michigan Strategic Fund members to apply common sense due diligence and deny state funding for the Copperwood Mine proposal.

Copperwood is a company that is fundamentally inexperienced in mining - and has been unable to recruit private investors and lenders for this project. Notably, Copperwood has also failed to attract Michigan state funding throughout three previous attempts. These failures reflect sound business analysis and thorough assessment - fundamentals that remain today.

Yes, Michigan's Upper Peninsula would benefit from thoughtful economic development. No, a Copperwood mine is not an answer that makes sense.

Key fact: mine waste rock would end up in a massive "tailings pond". Those waste ponds are contained by walls that are constructed from flimsy earth and rock shavings - not cement and steel. Those "tailings ponds" regularly collapse, spreading polluted mine waste downstream. In Copperwood's case downstream is Lake Superior and the Porcupine Mountains Wilderness State Park.

Keep in mind that the Porcupine Mountains and their ancient forests and pristine Lake Superior shorelines, are a regional shrine. They gained protection during the height of World Ware Two because Michigan citizens valued this memorable landscape highly, and recognized its uniqueness.

As an outdoor writer, I walked 900 miles while researching my book "Hiking Michigan's Upper Peninsula". I did extensive book tours - book talks and slide shows that drew notable audiences. Standing room only audiences were the norm in Detroit, Ann Arbor, Lansing, Iron Mountain and Marquette, Michigan. And, also in Milwaukee, Madison, Kenosha, Racine, Green Bay, and Stevens Point, Wisconsin.

I also did numerous public radio interviews publicizing the book, and the U.P.'s splendors.

There is broad, regional affection for the Porcupine Mountains.

The damage to Michigan's reputation if the Copperwood proposal moved forward - particularly with Michigan taxpayer financing - would be massive.

The Porcupine Mountains would become a West Virginia like land of sorrow.

Once again, I urge you to refuse to give state funds to this inexperience mining company. It is a bad investment.

Thank you,

Eric Hansen

2934 N. Prospect Ave
Milwaukee, WI 53211

MSF Comments (MEDC)

From: Anne Steinberg <asteinberg@wi.rr.com>
Sent: Monday, August 24, 2026 4:43 PM
To: MEDC MSF Comments
Subject: Don't fund the Copperwood mine

I urge the Michigan Strategic Fund members to deny state funding for the proposed Copperwood Mine.

This company, inexperienced in mining, has failed to raise funding from private lenders. It has also been denied funding from the state three times before. There were sound business reasons to deny funding and those reasons have not changed.

While the U.P. region of Michigan certainly can use economic development, this mine is not the answer. The copper and profits will go to Canada while there will only be a limited number of local jobs and contracts for a short period of perhaps ten years.

There are no guarantees that the state of Michigan won't be left with the tremendous costs of trying to clean up the mine site once the mine is closed and the company goes back to Canada. They will be leaving a large earthen dam full of toxic mine waste. All other similar waste pits have leaked or failed. The Copperwood Mine threatens to pollute nearby wetlands and streams as well as Lake Superior which very close downhill.

Moreover, a mine in this location would hurt other locally owned businesses that depend on tourism. Please keep in mind that the nearby Porcupine State Wilderness (the Porkies) is a well-loved vacation spot that draws visitors from around the midwest and even further. It is a place that was saved as a state Wilderness Park during World War II because Michigan residents saw the importance of preserving this special place.

In fact, later this fall I will again be visiting the Porkies for a ten day hiking trip. We will be renting a cabin and eating in a local restaurant. Other years we've stayed in the local hotel. We make this trip because we value the Porkies — a quiet old growth forest right next to Lake Superior and full of streams and waterfalls. It is a pristine and rare area. I certainly would not visit again if I was driving by a mine site on the way to Presque Isle, hearing industrial activity and seeing mine towers from the scenic viewpoints.

Once again, refuse to give state funds to this inexperience mining company. It is a bad investment.

Thank you

Anne Steinberg
2934 N. Prospect Ave
Milwaukee, WI 53211

MSF Comments (MEDC)

From: Jake Ring <ringjaked@gmail.com>
Sent: Monday, August 24, 2026 4:21 PM
To: MEDC MSF Comments
Subject: Copperwood Mine Comments

To whom it may concern:

I'd like to share my thoughts regarding the Copperwood Mine. My name is Jake Ring and I live in Ironwood, Michigan so this is local to me. I do not support the Copperwood Mine and urge all politicians not to support it either. I do not want my Michigan taxpayer dollars going to a foreign company. I am not opposed to mining in our state and understand it has value. Let's let this foreign company do it with their own money. $50 million is much better spent in the local communities directly. I also am against any mining in this specific spot. Had the mine been elsewhere I'd probably be very supportive of it. This location is much too close to Lake Superior. We don't get a redo on that one so best to keep mines and their tailings further away from the lake.

Thank you for your time.

A local very opposed to this mine in this location, but not all mining.

Jake Ring
920-860-6127

MSF Comments (MEDC)

From: Mary Brecht <brecmary@hotmail.com>
Sent: Monday, August 24, 2026 4:03 PM
To: MEDC MSF Comments
Subject: Copperwood Mine

Please do not pass the funding for this project. It is not in the best interest of our State to risk our natural resources to back a foreign company that has failed to meet any of the conditions imposed by the MSF. The company involved does not have the financial backing to make this feasible Why should the taxpayers of Michigan bail out a project that the free market has chosen not to support. We do not need the toxic waste produced by the mines released into Lake Superior. We do not need the destruction of this beautiful area for a company that has no experience, no funding, no respect for the feelings of the community and is planning on shipping our resources to Canada. Your group has shown wisdom to deny this request three previous times, please listen to the people and say no once again.

Thank you,
Mary Brecht
10210 Crazy Horse Trail
Stanwood, MI 49346

Dear MSFB,

Revoke the $100m grant you awarded to the UM/LANL data center! The taxpayers you are defrauding will never forget your role in this environmental destruction and nuclear acceleration. STOP

METROPLEX MI 480
22 AUG 2026 PM 4:1

Forever 250



MSFB

300 N. Washington Sq.

Lansing, MI

48913

A Plunder of Michigan

The Copperwood Mine Project located in the Upper Peninsula of Michigan is owned by the Canadian based Highland Copper Company. The mine and its operation will turn a greenfield into a brownfield and pillage the natural resources of Michigan. Highland Mining proposes to remove 6,800 tonnes of ore a day from the Copperwood mine every day for 10.7 years and process the ore at the 505 acre mine site.

This will generate for the Canadian based company $3,706,432,000 according to Highland Copper's projections. Michigan will benefit by receiving $121,000,000 in taxes or approximately 1/30th of the value of the copper and silver mined during the life of the mine.

And the State of Michigan will receive the following in exchange for $121,000,000 in taxes:
1) A 350 acre "holding pond" containing toxic wastes which will include heavy metals, oxygenated sulfuric acid, and ferric sulfide.
2) Sulfur dioxide from smelting the ore.
3) 56.551 tonnes (not pound) of mine tailings containing cadmium, lead, and arsenic.
4) Dust and aerosols containing toxic metals and potentially harmful radioactive elements.
5) The costs incurred to monitor the Little Carp River, Lake Superior (the toxic "holding pond" contents are all downhill to Lake Superior), and the Porcupine Mountains Park for hazardous waste.
6) The costs of monitoring the possible creation of a cancer "hot spot" for the roughly 11,000 residents living in the two most affected counties.
7) Health costs for the State of Michigan to monitor the 380 Michigan miners who will work at the Copperwood Mine and be exposed to heavy metals, sulfur dioxide,sulfuric acid, ferric sulfide, and technology enhanced naturally occurring radioactive materials or TENORM.
8) The court costs assumed by the State of Michigan to pursue any environmental damages caused by the Copperwood Mine Project on lands owned by Highland Copper and any spillover on adjacent lands. Protecting Michigan land will involve international courts and treaties. (Given the record of Canadian mining operations in the United States and worldwide concerning environmental violations and human rights abuse Michigan will be involved in lengthy and costly legal battles.)

I respectfully submit that mining in the Upper Peninsula stopped in the 1990s for good reason. If employment and development in the Upper Peninsula is the objective why not harness the rivers and create a lasting legacy of inexpensive electricity.

Thank you for reading this.

Respectfully,

doug DeLind
(dougdelind@gmail.com)

METROPLEX MI 480

5 SEP 2026 PM 9 L



Stop funding a project that will harm our communities!
Defund the LANL project now!

Michigan Strategic Fund Board
300 N. Washington Sq.
Lansing, MI
48913

A Mavis Pudding Picturecard

Inside the Apollo 11 Command Module is the figure of Astronaut Michael Collins who orbited the moon while Astronauts Armstrong and Aldrin were on the surface of the moon in July, 1969.
National Air and Space Museum
Smithsonian Institution

514299

37105-D

From: Lazar Cole
To: MEDC MSF Comments
Subject: Capture Group Grant
Date: Thursday, September 3, 2026 4:14:19 AM

To the Members of the Michigan Strategic Fund Board:

I am writing as a Michigan resident to formally express my concerns regarding the Michigan Strategic Fund's decision to award a $936,000 Michigan Business Development Program grant to Capture Group Inc., the newly established U.S. entity of Israeli defense company Capture Systems Ltd.

I understand the economic argument supporting this project. According to the State of Michigan, Capture Group plans to invest at least $5 million in Sterling Heights and create at least 125 jobs over five years, with starting wages of $25 per hour plus benefits. Those are meaningful benefits, and I am not opposed to bringing manufacturing, engineering, or good-paying jobs to Michigan.

My concern is what Michigan taxpayers are being asked to subsidize in order to obtain them.

The State's own announcement describes Capture Systems as operating in the defense and homeland-security sectors. The proposed Michigan facility will produce or develop counter-UAS platforms, optical surveillance systems, mobile defense systems, advanced counter-drone systems, and remote-controlled weapon stations.

Those are not ordinary manufactured goods. They are military, surveillance, and security technologies capable of significant consequences depending upon who purchases them, how they are deployed, and against whom they are ultimately used.

That distinction deserves greater public scrutiny.

Economic Development and Public Responsibility

Michigan has an extraordinary manufacturing history. I want to see that history continue. I want Michigan engineers, machinists, technicians, and skilled tradespeople to have prosperous careers here.

But economic development cannot be measured exclusively by the number of jobs created.

When public money supports a defense or surveillance company, I believe the public has a legitimate interest in knowing what it is financing.

I therefore ask the Michigan Strategic Fund and MEDC to publicly disclose, to the fullest extent permitted by law:

1. What due diligence was performed on Capture Group Inc. and Capture Systems Ltd. before this grant was awarded?

2. Who initially introduced or recruited Capture Systems to Michigan?

3. Did the Michigan Israel Business Accelerator, or anyone affiliated with that organization, participate in recruiting, advising, introducing, or facilitating Capture Systems or Capture Group's Michigan expansion?

4. Were any potential conflicts of interest identified, disclosed, reviewed, or subject to recusal during consideration of this project?

5. What government or military customers does Capture Systems currently serve?

6. Did Capture Group identify anticipated customers for products manufactured or developed in Michigan?

7. Will products developed or manufactured with the assistance of Michigan taxpayers be sold to the Israeli government or military, the United States Department of Defense, Department of Homeland Security, domestic law-enforcement agencies, foreign governments, or other military customers?

8. What portion of the Michigan operation is expected to involve surveillance technology, remote-controlled weapon systems, or other technologies capable of domestic law-enforcement or military use?

9. What restrictions, if any, prevent technology subsidized by Michigan taxpayers from being used for domestic mass surveillance, monitoring lawful political activity, or other activities inconsistent with Michigan residents' civil liberties?

10. What human-rights, civil-liberties, end-user, export-control, or ethical review was performed before public funds were committed?

11. What performance requirements and clawback provisions apply to the $936,000 grant?

12. What specifically will Michigan's $936,000 pay for?

These questions are not accusations. They are questions I believe should be answered before taxpayers are expected to support this project.

Surveillance Deserves Particular Scrutiny

Recent controversies surrounding sophisticated surveillance technologies have demonstrated why assurances of good intentions are not enough.

Technologies originally justified for public safety, criminal investigations, national security, or other legitimate purposes can become interconnected with much larger databases and government systems. Once those capabilities exist, policies governing their use can change far more easily than the technology can be removed.

That does not mean Capture Group intends to misuse its technology.

It means Michigan should establish enforceable protections before subsidizing its development rather than waiting until after misuse occurs.

For surveillance technologies developed with public assistance, Michigan should consider requirements concerning data collection, retention, sharing, warrants, auditing, access controls, political surveillance, misuse investigations, and meaningful penalties for violations.

The standard should not simply be, "Trust us."

Government should create systems in which abuse is difficult, detectable, and punishable.

Counter-Drone Technology and Michigan's Actual Needs

I recognize that unmanned aircraft can present legitimate security concerns.

Unauthorized drones can interfere with airports, military facilities, prisons, critical infrastructure, and emergency operations. Michigan also possesses significant military and defense infrastructure.

But acknowledging that a technology has legitimate applications does not automatically establish that Michigan taxpayers should subsidize a particular manufacturer.

The public deserves to know what specific Michigan need this investment addresses.

Is this technology primarily intended to protect Michigan infrastructure?

Is Michigan primarily becoming a manufacturing and testing location for products that will be sold elsewhere?

Are these products intended for domestic law enforcement?

Are they intended for foreign militaries?

Are remote-controlled weapon stations part of the economic-development project being subsidized by Michigan taxpayers?

Those distinctions matter.

Foreign Military Conflicts

This decision also cannot be completely separated from the international environment in which it is occurring.

Capture Group is the newly established American entity of an Israeli defense company at a time of extraordinary military conflict and controversy involving Israel, Gaza, Lebanon, Iran, and the United States.

People can disagree strongly about those conflicts.

But Michigan residents should be able to ask a much narrower question regardless of their position on foreign policy:

Should Michigan taxpayers financially subsidize the expansion of a foreign-owned defense

company without knowing whether technologies produced here will ultimately participate in those conflicts?

I am not asking this Board to resolve the Israeli-Palestinian conflict or determine American foreign policy.

I am asking the Board to determine what Michigan's responsibility is when Michigan taxpayer dollars become part of the defense-industrial supply chain.

If Michigan-produced technology ultimately becomes part of military operations abroad, Michigan residents deserve transparency about that possibility before public money is committed.

This Is Not About Religion or Ethnicity

I also want to be completely clear about something that can easily become confused in discussions surrounding Israel.

My objection has nothing to do with Judaism or Jewish people.

Nor does this objection require a debate about Zionism.

This is about governments, corporations, military technology, surveillance, public money, accountability, and the responsibilities of the State of Michigan.

The actions of the Israeli government should be evaluated as actions of a government. The conduct of a corporation should be evaluated as the conduct of that corporation.

No religious or ethnic population should be treated as collectively responsible for either.

A Higher Standard for Michigan Taxpayer Money

I am not asking Michigan to abandon advanced manufacturing.

Quite the opposite.

Michigan should aggressively pursue advanced manufacturing, engineering, aerospace, automotive technology, clean energy, robotics, medicine, biotechnology, infrastructure, semiconductors, agriculture, and countless other industries capable of creating generations of good-paying jobs.

But taxpayer incentives are choices.

Michigan cannot subsidize every company that might create jobs. Every dollar awarded represents a decision about what kinds of industries and economic development our state chooses to encourage.

Defense companies should therefore face additional scrutiny when taxpayer-supported projects involve surveillance systems, weapons platforms, or technology intended for foreign military customers.

At minimum, I ask the Michigan Strategic Fund Board to publicly review the Capture Group award, disclose the due diligence underlying the decision, identify the expected markets and customers to the extent legally possible, disclose any involvement by organizations involved in Michigan-Israel business development, explain applicable safeguards and conflict-of-interest procedures, and establish clear accountability for how taxpayer-supported technology may ultimately be used.

If those answers demonstrate that the project is responsible, transparent, appropriately safeguarded, and genuinely beneficial to Michigan, then the public will be better equipped to evaluate it.

If those answers reveal problems, Michigan should retain the ability to reconsider its support.

Pure Michigan

Finally, I ask the Board to remember what Michigan represents.

Michigan is Pure Michigan.

We are not a warmongering state. We do not need to build our future around conflict, surveillance, and weapons of war.

Michigan is the Great Lakes. It is our forests, our winters, our farms and communities, and the beautiful sand dunes along our shores. It is manufacturing, ingenuity, hard work, and generations of people who have built things here that changed the world.

We can create good-paying manufacturing and engineering jobs without abandoning careful consideration of what we are manufacturing and why.

Economic development should improve the lives of the people who live here. It should strengthen our communities and leave Michigan better for the generations that follow us.

We are here to enjoy the water.
We are here to enjoy the winter.
We are here to enjoy our forests and our beautiful shores.
We are here to raise our families and build our communities in peace.

Michigan does not need to profit from another people's war.

We are Pure Michigan.

And I believe our investments should reflect that.

Respectfully,

Lazar A. Cole
Michigan Resident

From:	Kelsey
To:	MEDC MSF Comments
Subject:	Copperwood mine comment
Date:	Sunday, August 30, 2026 9:25:38 AM

Good morning.
I am a Michigan resident and taxpayer and would like to express my opposition of proceeding with the Copperwood Mine project.

- Highland Copper is a Canadian company
- They are not a mining company, having never owned or operated a mine
- They're seeking to build their first ever mine right next to Porcupine Mountains State Park, one of the most beloved outdoor recreation destinations in the nation
- Over 40 million tons of toxic mine waste, containing arsenic, mercury, cadmium and lead, would be stored in unprecedented proximity to Lake Superior, this continent's largest, cleanest source of surface freshwater
- The copper in question would be shipped to Canada for processing, with no promise of return

Sincerely,
Kelsey Boomer
411 Hamilton Ave
Almont MI 48003
810-656-3925

From: Josh V
To: MEDC MSF Comments
Subject: Formal Complaint Regarding August 25 Copperwood Funding Decision
Date: Tuesday, September 1, 2026 11:22:05 AM

Michigan Strategic Fund Board,

I am writing as a Michigan resident to formally object to and request an explanation of the MSF's August 25, 2026 decision to approve $50 million in public funding connected to the Copperwood Mine project.

My concern is not limited to whether the Copperwood Mine itself should move forward. I'm concerned about the process used to provide this funding and whether the MSF acted consistently with its statutory authority, the Legislature's appropriations authority, and the conditions previously imposed on this project.

Copperwood specific funding repeatedly failed to make it through the normal legislative process. The Senate Appropriations Committee declined to act on the proposed $50 million transfer twice in 2024, and another $50 million Copperwood related proposal didn't survive the final 2025 budget process.

The MSF has now approved approximately $44.97 million for Copperwood Resources and another $5.03 million for the Gogebic County Road Commission by using Strategic Site Readiness Program funds that had previously been intended for another project. My understanding is that the MSF's position is that, because those funds had already been transferred to the Fund, no new legislative approval was necessary.

I would like the Board to explain what statutory authority permits those funds to be redirected to Copperwood under these circumstances and how the Board determined that doing so was consistent with the Legislature's intent, particularly after multiple attempts to provide project specific Copperwood funding failed to obtain legislative approval.

I'm also concerned about what happened to the conditions attached to the original 2024 Copperwood grant. That grant required Copperwood to demonstrate $150 million in financing by December 31, 2025, subject to a possible extension of up to 12 months. The new grant reportedly establishes March 31, 2028 as the deadline for substantially the same financing requirement.

Please explain whether Copperwood satisfied the original financing requirement. If it didn't, was an extension formally granted? If so, when, by whom, and on what basis? If the original condition was not satisfied, I'd also like to understand the legal and policy basis for replacing the prior grant with a new grant containing a substantially later deadline.

Additionally, I'm concerned about whether the process surrounding the August 25 decision complied fully with the Michigan Open Meetings Act and whether Article IV, Section 30 of the Michigan Constitution is implicated by this expenditure of public funds. I am not asserting that either provision was definitely violated, but I believe these are serious enough questions that they deserve a substantive response rather than being dismissed as disagreement over the merits of the mine.

Regardless of anyone's position on Copperwood, I think Michigan residents should be concerned if previously appropriated funds can be redirected to accomplish substantially the same funding objective that repeatedly failed to advance through the Legislature.

I’m asking the MSF to provide a written response addressing these concerns and to identify the statutory and legal authority relied upon for the August 25 funding decision. I also ask the Board to reconsider the award and refrain from disbursing funds while legitimate questions concerning the legality of the funding mechanism remain unresolved.

Please treat this email as a formal complaint regarding the August 25, 2026, Copperwood funding decision and include it in the MSF's written public comments and records.

Thank you,
Josh VanderVoord

IRON COUNTY BOARD OF COMMISSIONERS

2 SOUTH SIXTH STREET, SUITE 7 CRYSTAL FALLS, MI 49920
PH 906-875-3301 FAX 906-875-0655

BOARD CHAIR
MARK STAUBER
COMMISSIONERS
PETE JUDD
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PATTI PERETTO
EAN BRUETTE

BOARD OF COMMISSIONERS OFFICE

ADMINISTRATOR
LYNETTE LORENZ

ADMINISTRATIVE ASSISTANT
& FOIA COORDINATOR
MARY DALPRA

August 24, 2026

Dear Michigan Strategic Fund Board Members,

On November 14, 2023, the Iron County Board of Commissioners unanimously supported the adoption of a **Resolution in Support of the Copperwood Mine Project by Highland Copper Company**.

The County Board has taken no further action in the interest of this matter since then and at this time we extend our continued and full support of this project.

Sincerely,

Mark Stauber
Board Chair

No. 2023-0018

Iron County Board of Commissioners
RESOLUTION
In Support of the Copperwood Mine Project by Highland Copper Company

WHEREAS, the Iron County Board of Commissioners supports the development of safe, modern and responsible mining as planned for Highland Copper Company's Copperwood Mine Project located in Ironwood and Wakefield Townships of Gogebic County, Michigan, and;

WHEREAS, the Iron County Board of Commissioners acknowledges the commitment of Highland Copper Company to maintain their transparent and regular engagement with local and regional communities and remain a positive partner for the region, and;

WHEREAS the Iron County Board of Commissioners recognizes the commitment of Highland Copper Company to develop an environmentally sound copper mine that will maximize local employment and will provide expansive economic benefits to the Western Upper Peninsula, contributing to the revitalization of the local and regional economy.

NOW, THEREFORE, BE IT RESOLVED, that Iron County Board of Commissioners fully supports the development of Highland Copper Company's Copperwood Mine Project.

Commissioner JACOB CONERY offered the resolution that was supported by

Commissioner FAN BRUETTE and the resolution were adopted by the following vote:

Yeas: PERETTO, STAFFORD, STAUBER, CONERY, BRUETTE

Nays: NONE

Absent: NONE

I hereby certify the foregoing is a true and correct copy of the resolution adopted at a meeting of the Board of the County Commissioners of the County of Iron on November 14, 2023.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF IRON

By _____
Mark Stauber
It's Chair

By _____
Julie Kezerle
It's Clerk

From: Kathryn Kavanagh
To: MEDC MSF Comments
Subject: Opposition to decision
Date: Monday, August 31, 2026 4:57:06 PM

Dear Michigan Strategic Fund Members and State Leaders,

I am writing as a Michigan resident to express my strong opposition to the decision to provide approximately $50 million in public funding connected to the Copperwood Mine project near Lake Superior and the Porcupine Mountains.

I understand that the Michigan Strategic Fund has already approved this funding. Although I am disappointed that I did not have the opportunity to submit my concerns before that vote, I want my opposition to be part of the public record, and I urge state leaders to continue scrutinizing this project and every opportunity that may remain to protect Michigan taxpayers and our natural resources.

I support economic development and understand the importance of creating jobs in the Upper Peninsula. But economic development should make sense over the long term. I have serious concerns about using tens of millions of public dollars to support a private mining project in such close proximity to one of Michigan's most extraordinary and irreplaceable natural areas.

For my family, this is deeply personal. My children are growing up spending their summers along Michigan's shorelines. Our lakes, beaches, forests, and small waterfront communities are part of their understanding of home. Some of their childhood memories are being built in these places.

When I think about decisions like this, I think about the Michigan we are handing to them. The economic benefits of a particular project may be measured in years, but environmental and financial consequences can last for generations. I do not want my children—or theirs—to inherit larger problems because our generation prioritized a short-term opportunity without adequately accounting for the long-term risk.

Michigan's Great Lakes and wilderness areas are not simply environmental assets. They are economic assets. They support tourism, recreation, local businesses, property values, and a Michigan identity that cannot simply be recreated somewhere else if it is lost.

I therefore ask state leaders to exercise every appropriate avenue of oversight that remains, insist upon transparency and accountability regarding the use of these public funds, and ensure that Michigan taxpayers are not ultimately left responsible for the long-term consequences of this project.

Future generations will live with the decisions we make now. Please treat the protection of Lake Superior, the Porcupine Mountains, and Michigan's public resources with the seriousness that responsibility deserves.

Thank you for your time and consideration.

Sincerely,

Kathryn Kavanagh

Michigan Resident

From: Sarah Yacko
To: MEDC MSF Comments
Subject: Protection of the Porcupine Mountains
Date: Tuesday, September 1, 2026 9:36:54 AM

Hi,

As a Michigan resident, I find it disgraceful that any person or organization would consider industrial expansion at the Great Lakes. I am sick and tired of witnessing the destruction of our natural environments, especially the beautiful Great Lakes which contain 20% of all of the fresh water on EARTH. For godsake, consider the furure health of all beings - especially children in Michigan who have been exposed to heavy metals due to industrial waste. Grow a motherfucking soul and divert the money to protecting our natural spaces instead of destroying them.

Thank you,
Sarah Yacko

From: mapenner@everyactioncustom.com on behalf of Mary Ann Penner
To: MEDC MSF Comments
Subject: Uphold the Law: No tax breaks for dirty data centers
Date: Friday, August 28, 2026 11:01:16 AM

Dear Michigan Strategic Fund Board,

I am writing to urge you to uphold Michigan law and protect Michiganders from rising energy costs by denying tax breaks to data centers that fail to meet Michigan's clean energy requirements.

Data centers are among the most energy-intensive facilities on the planet, consuming as much electricity as small cities. Without strong safeguards, they can drive up energy demand, increase utility costs for families and small businesses, and slow Michigan's transition to clean, affordable energy.

The 2024 data center tax incentive law included a 90% clean energy requirement to ensure new development does not come at the expense of Michigan communities. Allowing corporations to qualify for tax breaks based on speculative compliance undermines the intent and letter of the law: data centers in Michigan must actually operate on at least 90% clean energy when they come online.

Granting tax exemptions without enforcing the law shifts the burden onto everyday Michiganders, forcing us to pay more for their energy while large corporations benefit.

I urge you to enforce the clean energy requirement as written, reject loopholes that weaken accountability, and protect Michigan communities from higher energy costs.

Thank you for your time and consideration.

Sincerely,
Mary Ann Penner
610 W Elm Ave Monroe, MI 48162-7909
mapenner@aol.com

September 17, 2026

Michigan Strategic Fund
c/o Michigan Economic Development Corporation
300 N. Washington Square
Lansing, MI 48913

RE: Letter of Support — Arbor South Development

I write to express my support for the Arbor South development in Ann Arbor and the associated Brownfield TIF plan currently before the MSF Board.

Arbor South has undergone an extensive local review process, including approval of the Brownfield Plan by the Washtenaw County Board of Commissioners on May 20, 2026. As a County Commissioner representing District 7 and a former Ann Arbor Housing Commissioner, I had a chance to discuss this proposal at great length and to understand the benefits I believe it will provide our community before I voted in support of it.

Arbor South would transform an underutilized site at S. State Street and Eisenhower Parkway into a mixed-use, transit-oriented neighborhood with approximately 1,000 housing units, including more than 200 permanently affordable units. The project represents a significant opportunity to expand housing supply, support workforce needs, strengthen the tax base, and contribute to the vitality of an important regional corridor. It is also the second largest addition to housing stock for the Ann Arbor Housing Commission since its creation in 1965.

The Brownfield TIF provides an important tool to facilitate the redevelopment and the substantial private investment contemplated by the project. It also provides for practical creation of affordable housing and overall housing stock while creating additional units for our public housing portfolio. I respectfully request that the MSF Board approve the Arbor South Brownfield Plan and associated TIF.

Sincerely,



Andy LaBarre
Member of the Washtenaw County Board of Commissioners, District 7
2411 Meadowridge Ct.
Ann Arbor, MI 48105
(734) 945-1298
labarrea@washtenaw.org

23RD DISTRICT
STATE CAPITOL
P.O. BOX 30014
LANSING, MI 48909-7514

MICHIGAN HOUSE OF REPRESENTATIVES
JASON MORGAN
STATE REPRESENTATIVE

PHONE: (517) 373-0855
FAX: (517) 373-5922
JasonMorgan@house.mi.gov

Michigan Strategic Fund
c/o Michigan Economic Development Corporation
300 N. Washington Square
Lansing, MI 48913

RE: Letter of Support - Arbor South Development, Brownfield TIF Plan

Dear Members of the Michigan Strategic Fund Board:

I am writing to express my support for the Arbor South development in Ann Arbor and the associated brownfield tax increment financing plan.

Before serving in the Michigan House of Representatives, I spent six years as a Washtenaw County Commissioner representing central Ann Arbor, including serving as the county's appointee to the Washtenaw County Brownfield Board and as Chair of the County Board. That experience gave me an appreciation for the role that brownfield financing can play in facilitating redevelopment and supporting long-term investment in our communities.

Arbor South would transform approximately 20 acres of underutilized property at State Street and Eisenhower Parkway, including a large surface parking area and an existing functionally obsolete structure. The proposed mixed-use development would include more than 1,000 housing units, including more than 200 permanently affordable homes, as well as a hotel, office space, retail and restaurant space, and public areas.

The scale of the redevelopment represents a significant private investment in Ann Arbor. It will support construction employment during the development of the site and create new permanent economic activity once the project is completed. It will also put a currently underutilized property to substantially more productive use and expand the local tax base over time.

The brownfield TIF plan is an important component of that redevelopment. By using future tax revenue generated by the project to support eligible brownfield and development costs, the plan provides a mechanism to facilitate investment that otherwise may not occur at the site.

Having served in local government and now representing Ann Arbor in the Michigan Legislature, I believe Arbor South presents a meaningful opportunity for the community. I am

pleased to offer my support for the brownfield plan and respectfully encourage the Michigan Strategic Fund to approve it.

Thank you for your consideration.

Sincerely,



Jason Morgan
State Representative
Michigan's 23rd House District