

National Park Service Denies Harbor Shores Conversion Proposal for Jean Klock Park

Spirit Correspondent

On Tuesday October 16, 2007, the United States Department of the Interior, National Park Service Division sent a letter to the Michigan Department of Natural Resources, denying the City of Benton Harbor's request to convey control and tenure for 22.11 acres of Jean Klock Park (JKP) to Harbor Shores Community Redevelopment, Inc. (HSCRI).

The Harbor Shores project is a 530-acre, mixed use development spanning parts of Benton Harbor (where approximately two-thirds of the land is located), St. Joseph, and Benton Charter Township in Berrien County, MI. The proposed land uses include recreational, residential and commercial development. The project would contain 860 new residential units, marinas, two hotels and a conference center, an indoor water park, an 18-hole Jack Nicklaus Signature Golf Course, the Midwest's first Jack Nicklaus Golf Academy and 83 acres of new park and public waterfront access.

Jean Klock Park was to be home to three golf holes for the Jack Nicklaus Signature Golf Course, which is part of the \$500 million HSCRI project. HSCRI has said that golf is a requirement for Harbor Shores. The proposed golf hole locations were to be on the east side of the dunes in Jean Klock Park. HSCRI has said that without an outstanding golf course, Harbor Shores Community Redevelopment, Inc. they see no way to bring needed investment into the Benton Harbor Community.

Many are for the Harbor Shores project and the proposed benefits it could bring to Southwest Michigan, but not if it means touching Jean Klock Park, a pristine park with dunes and a half-mile of lakefront on Lake Michigan, which was deeded and gifted to Benton Harbor residents 90 years ago. Residents won further protection for the park in 2004 as a result of a lawsuit that allowed the carving out of some acreage for a residential development with the stipulation that the remaining acres of the park be kept as a public park.

The Benton Spirit contacted Carol Drake of Friends of Jean Klock Park to get her comments regarding the denial.

Drake has dedicated the last several years of her life to trying to preserve JKP. She formed the Friends of Jean Klock Park, designed and maintain a web site (www.savejeanklockpark.org) to keep the public abreast of JKP, has spearheaded the parks clean ups for years, garnered environmentalists, lawyers, and Great Lakes advocates from coast to coast to assist her quest for Jean Klock Park.

"The Friends of Jean Klock Park and supporters applaud the National Park Service for seeing through the smokescreen of the proposal for JKP and for diligently and thoroughly reviewing the conversion proposal. We are grateful to the Park Service for seeing that justice was done and that the law was upheld.

Obviously this is a major victory but we don't anticipate Harbor Shores will accept the Park Services decision without a fight. With that said, we will continue to gather support which is growing at an amazing rate!

It is also a victory for the Klock's Family's gift of JKP, this is one step closer that their gift will be protected. But for now we can celebrate this major victory in this fight to preserve Jean Klock Park for the children of today and future generations."

Drake is also one of the seven plaintiffs, including Clellen Bury, Princella Tobias, Gladys Peeples-Burkes, Joe Shurn, and Norm Stem, (Dr. Hartzell Taylor had to remove himself due to health reason), who sued the City of Benton Harbor to stop any sale of the property and preserve the wishes of the Klock Family, who deeded it to the City.

There is a Jean Klock Park Rally, scheduled for Saturday, October 20, 2007, 10 am, at the corner of

Main and Eight Street, Benton Harbor, MI (park behind the library).

This will be a peaceful rally regarding Jean Klock Park. Friends of Jean Klock Park is hoping to appeal to city government to put this issue to rest and are hoping to work with Harbor Shores to help them find alternatives locations other than Jean Klock Park.

For more information, call (269) 925-4880 or visit www.savejeanklockpark.org

The following is text from the October 16 letter from the National Park Service to Mr. Jim Wood, Manager, Grant Management, Michigan Department of Natural Resources:

"In summary, we believe the subject Agreement in effect transfers perpetual control and tenure of the entire Jean Klock Park and the proposed replacement lands from Benton Harbor to HSCRI or its Affiliates.

Replacement Lands

It is our opinion that the proposed replacement lands fail to meet the basic L&WCF eligibility requirements, specifically the equal utility requirement. Property to be converted must be evaluated in order to determine what recreation needs are being fulfilled by the types of outdoor recreation resources and opportunities available. The property being proposed for substitution must then be evaluated in a similar manner to determine if it will meet recreation needs which are at least like in magnitude and impact to the user community as the converted site. Further, the replacement lands must have clear and immediate public access and use and constitute a viable recreation area. Although the city's proposal refers to the replacement lands being linked together, we see no connectivity to other park units. We also do not believe that any parcel is self sufficient as a viable park or recreation unit. Accordingly, the proposed replacement package comprising 42.57 acres is insufficient in magnitude, capacity, and viability to mitigate the subject 22.11 acre or any larger conversion.

Environmental Analysis

Although numerous meetings over the past several years included a discussion regarding the role of Jean Klock Park within HSCRI's overall project entitled "Harbor Shores," we can find no evidence that the public was accorded a minimum 30-day period during which they could provide comments specific to the environmental analysis of the subject conversion and replacement proposals. Consequently, before the NPS can finalize compliance with the National Environmental Policy Act this opportunity must be made available.

Appraisals

Initially, we were concerned that the appraisals met requirements for approval under the Uniform Appraisal Standards for Federal Land Acquisition. In general, appraisals must evaluate a property under its highest and best economic use. However, it is my opinion that the January 27, 2004, Berrien County Circuit Court Consent Judgment and Permanent Injunction precludes this requirement. Accordingly, the use of a recreational highest and best use for the Jean Klock Park property is substantiated and acceptable in this matter.

Summary

The above issues have been somewhat unusual in complexity, and we thank you for your patience as we completed our review. For your information, we invited several subject matter experts within the NPS to comment on our conclusions and they are in agreement on each. As stated above, our rejection is on the basis of the existing proposal. As you know, you have the option to revise the original proposal and resubmit at a later date. If you choose that option, we would recommend that prior to a formal re submission you contact [members of the National Park Service].

Because we cannot approve the subject conversion and associated L&WCF amendment, we are returning the entire conversion package.

Sincerely,

Ernest Quintana, Regional Director, U.S. Department of the Interior/National Park Service"
The entire of the letter can be found on the Benton Spirit's web site at www.bentonspiritnews.com
or at www.savejeanklockpark.org.
Attempts to reach Harbor Shores Trustee Mark Mitchell and Cornerstone Alliance Executive Vice
President Wendy Chesser were unsuccessful.
Benton Spirit