

Michigan State Waterways Commission  
Minutes of February 24, 2006

Michigan State Waterways Commission  
Regular Meeting

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Guardian Building  
Board Room  
Detroit, Michigan

A regular meeting of the Michigan State Waterways Commission was called to order by Chairman Todd Wyett at 9:00 a.m. on Friday, February 24, 2006, at the Guardian Building, Detroit, Michigan. The following Commissioners were present:

Todd Wyett, Chairman  
Denny Bailey  
Bob Brown  
Janet Mansfield  
Carol B. Oakley

Commissioners Brian Amann and Curtis Hertel, Sr. were excused.

Resource Management Deputy Mindy Koch, Chief Deputy Dennis Fedewa, Parks and Recreation Division Chief Ron Olson, and other Department of Natural Resources (Department) staff were present.

Chairman Todd Wyett thanked Mr. Gary Torgow and the Sterling Group for use of the 6<sup>th</sup> Floor Board Room and Conference Rooms in the Guardian Building.

Public Appearances:

**Written Correspondence**

Written correspondence was received from Tower Marine and is acknowledged by the Commission.

**Appearances**

Mr. Dick Moehl of the Great Lakes Lighthouse Keepers Association spoke to the Commission regarding moorage for lighthouse restoration. He is requesting that the Waterways Commission establish a policy to charge a nominal seasonal rate, at Department marinas, for those acting as stewards of offshore lighthouses. Mr. Moehl suggested a rate of \$100. Chairman Wyett referred this request to the Operations Committee. Mr. Moehl will provide a letter to the Commission stating the full content of his request, including lighthouses and marinas. Commissioner

Carol Oakley stated that documentation should be required from any nonprofit groups requesting this option. Mr. Moehl then commented briefly on proposed legislation regarding cormorants.

Chairman Wyett acknowledged receipt of a letter from the City of Petoskey regarding damage that occurred to the City's breakwater.

Mr. Mike Arens, Chief Engineer for the Huron Clinton Metropolitan Authority (HCMA), addressed the Commission regarding HCMA's application for a Waterways construction grant. This request is for a complete renovation at Metro Beach's South Marina due to deterioration of the facility. Estimated cost of the project is \$6,000,000. The HCMA plans to request grant assistance for 75% of the project cost (\$4,500,000), with local match of 25% (\$1,500,000). Capital funds will come from HCMA's General Fund. Commissioner Oakley asked about the number of slips rented. Mr. Arens stated that weekends are at capacity and he believes the rates charged are standard Waterways Commission rates. Commissioner Bailey questioned whether the Marina is on the Central Reservation System, it is not. Although the North Marina previously received Waterways funding, the South Marina has not. Mr. Ron Olson pointed out that 50/50 is the normal match rate.

Minutes:

**December 9, 2005**

MOTION: Commissioner Janet Mansfield moved to approve the minutes of the meeting of December 9, 2005. The motion was seconded by Commissioner Denny Bailey and carried unanimously.

Old Business:

**Project Status Report**

Mr. Bill Boik provided an update on current projects as follows:

- The breakwater construction is complete at Mackinaw City State Harbor. The project is ready to proceed with phase two, which will include rip rap work, dredging, restabilization, and dock work. Phase two should be complete this spring.
- The construction of the harbormaster building at Harrisville Harbor in Alcona County is still in process.
- The Port Sanilac Harbor in Sanilac County has completed a new harbor maintenance building. The old maintenance conference room has been reconfigured as a boaters' lounge.

- The Muskegon Hartshorn Marina in Muskegon County is undergoing fixed pier removal and replacement, as well as basin breakwater reconstruction.
- The project at Duck Lake Boating Access Site (BAS) in Calhoun County includes parking lot paving and site restoration.
- Randall Lake BAS in Branch County is also undergoing parking lot paving and site restoration.

### **Operations State Report**

Mr. Jason Fleming provided the update on operations. The Commission recently requested a history of variance requests and the compilation of this material is in process. A history of rates for harbors and BAS is also being completed. Reservations for the upcoming season will be reviewed at the April meeting.

### **Standing Committee Reports**

- The Boating Access Committee had no report.
- The Operations/Policy Committee discussed the variances for today's meeting.
- The Public/Governmental Relations Committee did not meet.
- The Facilities Committee discussed the Presque Isle Restaurant. Mr. Ron Olson will discuss some options with the Township.
- The Finance Committee did not meet.
- The Walloon Subcommittee agreed to schedule another public comment meeting in June. The Subcommittee is planning to set a deadline of August 1, 2006, to resolve where to spend the capital outlay money for the access site.

### **New Business**

#### **Detroit Variance Request**

The City of Detroit is requesting a 20% reduction in seasonal rates for the Erma Henderson Marina. This request was also made last year. Of the Marina's 257 slips, 243 are open to seasonal boaters. Reopening of the Riverfront BAS is a compliance issue for the City of Detroit in terms of its grant-in-aid agreement with the Department. As Chair of the Operations/Policy Committee, Commissioner Mansfield reported that the Committee recommends denial of this variance request. The reduced rates were viewed as competing with private marinas in the area.

Several people affiliated with the City of Detroit and the Erma Henderson Marina spoke to the Commission regarding this variance request. Reverend Richard Smith, Chairman of the Erma Henderson Boaters Association, appealed to the Commission to allow the marina's rates to remain the same for 2006.

Ms. Beverly Colburn of the City of Detroit indicated that the City cannot staff Riverside Ramp. Ms. Marsha Everhart (also with the City of Detroit) asked that a variance of 10% (rather than the requested 20%) be allowed for the Marina. Commissioner Oakley expressed concern that the requested rates are below those for private marinas in the area. Chairman Wyett directed attention to the 2002 Erma Henderson rates. No variance was utilized that year and the Marina made more money than in any other recent year. He suggests the Marina utilize the normal seasonal rates for a year and revisit the issue next year.

When the Riverfront BAS was open, charges for launching were based on boat size. The BAS was closed due to the City's inability to staff it. Commissioner Oakley suggested that the City could require a permit, even without staffing the BAS. Vehicles without a permit would be ticketed.

**MOTION:** Commissioner Mansfield moved to deny the City of Detroit variance request. Department staff will work with the City to bring them into compliance with the GIA agreement and to reopen the Riverfront BAS. Commissioner Oakley seconded the motion and it carried unanimously.

#### **Marquette County Variance Request**

At the December 9, 2005 Waterways Commission meeting, Marquette County requested a reduction in rates for the Big Bay Harbor of Refuge. The motion was tabled to this meeting pending further information. The rates being sought for seasonal boats are 60% of those for Rate Area Four. The Committee recommended approval of this variance request.

**MOTION:** Commissioner Bailey moved to approve Marquette County's variance request for reduced rates at Big Bay Harbor of Refuge. Commissioner Brown seconded the motion and it was unanimously approved.

#### **Muskegon Variance Request**

The City of Muskegon is requesting the addition of ten additional seasonal slips at Hartshorn Marina (ten were also approved last year). Muskegon provided financial information and sought input from local private marinas in the area. Assistant City Manager, Ms. Lee Slaughter spoke to the Commission regarding this request. Commissioner Oakley suggested that Muskegon avoid using all of any one size slip as seasonal so that transient slips are available for the range of sizes.

MOTION: Commissioner Oakley moved to approve this variance, as recommended, to increase the number of seasonal slips (from 79 originally, to 89 last year, and 99 with this request) at Hartshorn Marina. Commissioner Mansfield seconded the motion and it was approved unanimously.

#### **St. Clair Variance Request**

The City of St. Clair's variance request is to offer transient boaters one night stay at the regular rate with the second night at half price, mid-week. The Commission approved this request last year and a report has been provided. Commissioner Mansfield reported that the Operations Committee recommends approval.

MOTION: Commissioner Brown moved to approve this variance request as recommended. Approval is contingent on submission of a report showing midweek activity for the 2006 season. The motion was seconded by Commissioner Bailey and carried unanimously.

#### **Alpena Variance Request**

Alpena requested that this item be tabled until the April Waterways Commission meeting.

MOTION: Commissioner Mansfield moved to table this request until the April 21, 2006 Commission meeting. The motion to table was seconded by Commissioner Bailey and approved unanimously.

#### **Expansion of Boating Access Site Fee Locations**

This item was presented to facilitate changes in boating access permit language. Nine sites would become fee locations as follows:

- Torch River Bridge, Antrim County
- Mullett Lake Village, Cheboygan County
- Torch River, Kalkaska County
- Chippewa Lake, Mecosta County
- Crystal Lake, Montcalm County
- High Rollway – Thornapple, Newaygo County
- Maple Island, Newaygo County
- Houghton Lake East, Roscommon County
- Quanicassee River, Tuscola County

In addition, the request seeks to remove the Tippy Dam BAS (Manistee County) from the fee location list. The Department is also asking to take out the requirement for an attendant on duty, with the ability to require a permit at any time.

MOTION: Commissioner Oakley moved to request that the Director seek changes to the fee locations as noted (see Resolution No. 02-2006-06). Mr. Jason Fleming will provide a map to the Commissioners showing the affected sites. Commissioner Mansfield seconded the motion and it carried unanimously. Commissioner Brown suggested that, in the future, resolutions be cited by number.

**Proposed Change to 2006 Meeting Schedule**

Upon discussion, the Commission chose not to change the 2006 meeting schedule.

**Pumpout Fees**

Staff is reviewing options related to the current \$5 federally mandated pumpout fees. Additional information will be provided for the April 21, 2006 Commission meeting.

**Capital Outlay Projects**

Mr. Bill Boik reviewed the binder providing information on all capital outlay projects. Mr. Olson indicated that staff will provide a legend and definitions. The lump sum request is based on the Waterways Fund balances, anticipated needs, and historical information. The Harbor Development Fund is intended for public/private partnerships. For future items, information will be added regarding the number of seasonal and transient slips for each marina.

Chairman Wyett requested that dam repair issues be referred to Committee for discussion.

Mr. Olson stated that Commissioners will receive a boating guide.

MOTION: Commissioner Mansfield moved to adjourn the meeting. The motion was seconded by Commissioner Brown and carried unanimously. This meeting of the Michigan State Waterways Commission was adjourned at 10:45 a.m.

**Handouts Presented to the  
Michigan State Waterways Commission at the  
February 24, 2006 Meeting**

- Material on the City of Detroit variance request (Erma Henderson Marina)
- Packet from the Great Lakes Lighthouse Keepers Association
- Fax from Mr. R. J. Peterson of Tower Marine
- Information from the Huron-Clinton Metropolitan Authority
- Draft history of facility variance requests

February 20, 2006

**MEMO**

Subject: Critical Situation

The fixed amount of shoreline in the Michigan Harbors serving Lake Michigan is rapidly being utilized for private residential housing (condos) at the expense of the marina facilities that provide public access to and from Lake Michigan.

Unless the trend is halted there will be thousands of good paying jobs lost as well as billions of dollars from tourism.

At the present time there doesn't appear to be any State department or agency that is aware of the problem.

Question:

Does the State have a "mission statement" addressing the importance of preserving and improving the public access to Lake Michigan now in and in the future?

If the answer is "yes" what is it?

Since public access to Lake Michigan is principally thru harbors, does the State have a "mission statement" addressing the harbor facilities that are needed now and in the future?

If the answer is "yes" what is it?

If the answer to either question is "no" then we have a serious irreversible loss of jobs and income.

The final question is what should be done to correct the problem and who is qualified and capable of directing the effort?

R. J. Peterson  
President

CC: Patti Birkholz – Senator  
Fulton Sheen - Representative  
City of Saugatuck  
City of Douglas  
Saugatuck Township  
Van Snyder – Michigan Marine Industries Association  
Dr. Ed. Mahoney – MSU  
Peter Hoekstra – U.S. Representative

February 21, 2006

U.S. Representative Peter Hoekstra  
184 South River  
Holland, MI 49423

Via Fax: (616) 395-0271

Re: Saugatuck Harbor

Dear Representative Hoekstra:

I have attached a recent harbor survey that indicates that without minimal maintenance dredging to remove the outer sand bar the Saugatuck Harbor would be unsafe for use except during calm weather. During rough weather a sailboat attempting to enter or leave the harbor would stand an excellent chance of being wrecked. I realize that there is no Federal funding for dredging this year, but this is kind of a 9/11 situation in that the work will have to be done. A warning will not be sufficient.

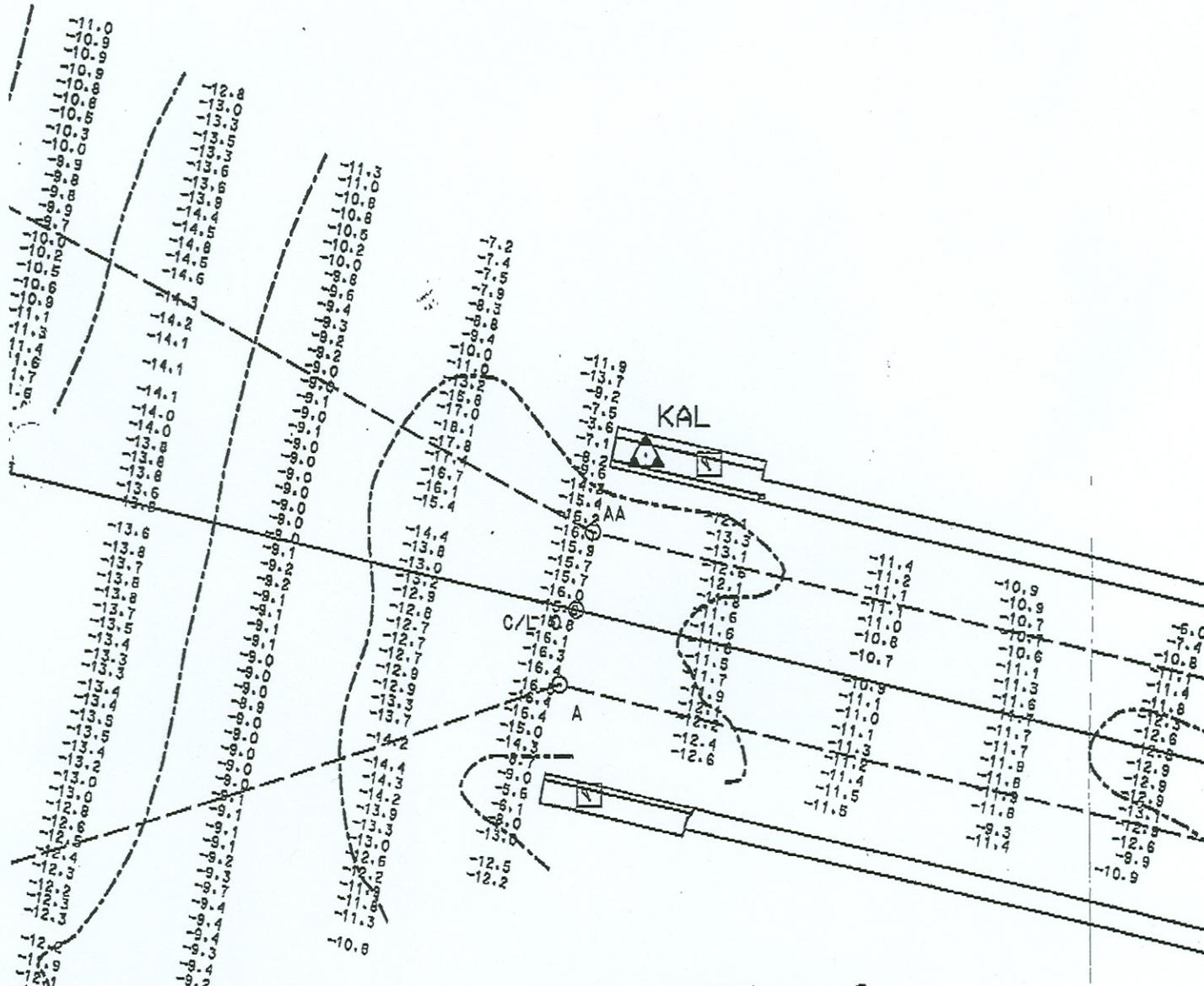
I don't think the Federal government should stand the entire expense. I have been working with the Governor's office in an effort to get the State of Michigan to recognize the importance of our harbors and draft a long range comprehensive plan for harbor maintenance. I have attached recent correspondence which I hope will lead to some long overdue action.

I would appreciate your comments.

Sincerely,

R. J. Peterson  
President

Enclosures



SOUNDING ENTRANCE

Fall - 2005

10' CHART DATUM