



STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: April 12, 2010

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Regulate Use of Beach Areas at Silver Lake State Park, Oceana County
Land Use Order of the Director Amendment No. 04 of 2010
FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director to issue orders to implement land use rules.

Discussion and Background:

Piping plovers are protected under the federal Endangered Species Act of 1973 and Part 365, Endangered Species, Natural Resources and Environmental Protection Act, 1994 PA 451.

The piping plover nests and rears young on open, sparsely vegetated sandy beaches associated with coastal dune ecosystems of the Great Lakes. Nest sites vary widely in their physical characteristics, but typically, nests are laid in wide, sandy areas with sparse, low-lying vegetation and cobble substrate that are associated with wide, unforested systems of dunes and inter-dune wetlands. Nest locations vary from year to year as coastal dynamics alter the character of Michigan's beaches.

There are currently 13 state park areas that are regulated to accommodate piping plover nesting activities on state lands administered by the Recreation Division. Piping plover nesting beaches within Michigan state parks attract significant recreational use. This recreational use may result in the intentional or unintentional taking of nesting piping plover, their nest, eggs or young, by park visitors. Piping plovers can nest successfully on recreational beaches if people are excluded from the immediate vicinity of the nest. This amendment provides park and recreation Commissioned Officers with the legal means to enforce the closed portions of state park beaches to public entry to protect nesting piping plovers and prevent violation of the state and/or federal endangered species statutes.

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In 2009, piping plovers nested at Silver Lake State Park and they are likely to return and nest again this season. The piping plover's nesting activities begin in early April, and usually runs through late May or early June; however, re-nesting can conclude as late as August. Therefore, an amendment to the Land Use Order of the Director that includes Silver Lake State Park, granting immediate effect, is needed to protect piping plovers and park visitors for the 2010 nesting season.

Recommendation:

This order is being submitted for information and consideration at the May 6, 2010, Natural Resources Commission meeting. This item appeared on the March 2010 Department business calendar, and may be eligible for approval on June 3, 2010.

Ronald A. Olson, Chief
Recreation Division

Russ Mason, Ph.D., Chief
Wildlife Division

Gary Hagler, Chief
Law Enforcement Division

Lynne M. Boyd, Chief
Forest Management Division

David Freed, Chief
Office of Land and Facilities

Armind S. Koch
Resource Management Deputy Director

Frank Ruswick
Stewardship Deputy Director

LAND USE ORDERS OF THE DIRECTOR

Amendment No. 04 of 2010

By authority conferred on the Director of the Department of Natural Resources and Environment by section 504 of 1994 PA 451, MCL 324.504, and pursuant to R 299.671 and R 299.921 of the Michigan Administrative Code, it is ordered that the following order of the Land Use Orders of the Director shall read as follows:

5.7 Certain environmentally sensitive and piping plover nesting areas, prohibited conduct, exceptions.

Order 5.7 (1) A person shall not do any of the following:

(a) Enter, use, or occupy without proper written permission that portion of Fayette SP located in section 24, T38N R20W, Delta county.

(b) Enter, use, or occupy any of the following described state-owned lands, as posted, from April 15 through August 31 except with proper written permission:

(i) Cheboygan SP - state-owned lands in sections 22-23, and 27, T38N R1W, Cheboygan county.

(ii) Fisherman's island SP - state-owned lands in sections 29, and 31-32, T34N R8W; section 6, T33N R8W; and sections 1, 14, 22-23, and 27, T33N R9W, Charlevoix county.

(iii) Hoffmaster SP – state-owned lands in sections 25 and 36, T9N R17W, Muskegon county; section 1, T8N R17W, Ottawa county.

(iv) Leelanau SP - state-owned lands in section 6, T32N R10W, and sections 12-14, T32N R11W, Leelanau county.

(v) Ludington SP - state-owned lands in sections 5-7, 18-19, 29-30, and 32, T19N R18W, Mason county.

(vi) Muskallonge lake SP - state-owned lands in sections 1-2, T49N R11W, Luce county.

(vii) Muskegon SP - state-owned lands in sections 17, 20-21, and 28-29, T10N R17W, Muskegon county.

(viii) Negwegon SP - state-owned lands in sections 2, and 11-12, T28N R9E, Alcona county.

(ix) P.H. Hoeft SP - state-owned lands in section 31, T36N R5E, Presque isle county.

(x) Tawas point SP - state-owned lands in section 34, T22N R8E, and section 3, T21N R8E, Iosco county.

(xi) Thompson's harbor SP - state-owned lands in sections 6-12, and 15, T34N R7E, Presque isle county.

(xii) Wilderness SP – state-owned lands in section 30, T39N R4W; sections 19-21, 23-27, 29-30, and 32, T39N R5W; sections 15-17, 19-24, and 32, T39N R6W; and sections 5, 7-8, and 18, T38N R5W; and section 13, T38N R6W, Emmet county.

(xiii) South fox island – state-owned lands in sections 16 and 21, T34N R13W, Leelanau county.

(XIV) SILVER LAKE SP - STATE OWNED LANDS IN SECTION 13, 24, 25, 26, 35, AND 36, T15N, R19W AND SECTIONS 18, 19, AND 30, T15N, R18W, OCEANA COUNTY.

(c) Possess a dog or allow a dog to enter into or upon state-owned lands, as posted, from April 15 through August 31 at Waugoshance point, Sturgeon bay, Leelanau SP, or Fisherman's island SP, being all or portions of sections 23, 24, and the Temperance islands, T39N R6W; sections 19-21, 29-30, and 32, T39N R5W; section 13, T38N R6W; sections 5, 7-8, and 18, T38N R5W; and sections 33 and 34, T38N R6W; Emmet county; section 1, T33N R9W, Charlevoix county; and sections 7 and 13, T32N R11W, Leelanau county.

(d) Possess a dog or allow a dog to enter into or upon state-owned lands, as posted, at any time in the nature trail or beach areas of Tawas point SP, T22N R8E, Iosco county.

(2) This order is provided to protect environmentally sensitive areas and piping plover nesting areas from disturbance and destruction.

This amended order shall be posted on or after June 4, 2010.

Issued on this 3rd day of June, 2010

Rebecca A. Humphries
Director