

Meeting Minutes of the  
MICHIGAN STATE WATERWAYS COMMISSION  
December 10, 2010

A regular meeting of the Michigan State Waterways Commission was called to order by Acting Vice Chairperson Mike Bryanton at 9:30 a.m. on Friday, December 10, 2010, at the Country Inn and Suites in Lansing. The following Commissioners were present:

Commissioner Janet Mansfield, Chairperson  
Commissioner Mike Bryanton  
Commissioner Robert Brown  
Commissioner Gary Marowske  
Commissioner Curtis Hertel

Department of Natural Resources and Environment (DNRE), Recreation Division, Planning Section Chief Vicki Anthes, and other Department staff were present.

Public Appearance

**Written Correspondence**

The Waterways Commission received a letter from former Waterways Commissioner Carol Oakley thanking the Department of Natural Resources and Environment staff and the Waterways Commission for the recognition plaques, and for the opportunity to meet and work with all of them.

**Appearances (Non-agenda items)**

Mr. Stephen Hume created a proposal to operate Grayhaven Marina. In his proposal, Mr. Hume stated that this marina revitalization will return a tremendous asset to a struggling neighborhood at no cost to the state of Michigan, and he stated that he would fund it himself. He has requested a Right of Entry letter in order to take some action at the marina before another season passes. Mr. Jason Fleming replied that the DNRE has reviewed the proposal, was preparing a response, and that the State has to consider several options, including bidding out the facility operation. Mr. Hume will be receiving a letter soon from the DNRE in response to his proposal. At the request of Commissioner Bryanton, staff will report back to the Waterways Commission at the next meeting to determine what is feasible for Grayhaven Marina.

## Minutes

August 13, 2010

MOTION: Commissioner Mansfield moved to approve the minutes of the August 13, 2010 Michigan State Waterways Commission meeting. The motion was seconded by Commissioner Brown and it carried unanimously.

October 8, 2010

MOTION: Commissioner Marowske moved to approve the minutes of the October 8, 2010 Michigan State Waterways Commission meeting. The motion was seconded by Commissioner Mansfield and it carried unanimously.

## Old Business

### **Project Status Report**

Mr. Paul Petersen provided Harbor updates as follows:

#### Harbors:

- Lac La Belle State Harbor on Lake Superior in Keweenaw County was a project funded by a Big P federal grant. The project consisted of a dock replacement and launch relocation. The pilings had been there since the 1960s, and were being eroded by a steel-eating bacteria. The pilings have been replaced with a fiberglass material. Completion date was June 15, 2010.
- Manistee Municipal Marina in Manistee County has an anticipated completion date of May 2011. The project consists of a new marina building and foundation waterproofing. \$340,000 in state funds is being used for this project.
- Petoskey Municipal Marina in Emmet County has an anticipated completion date of December 31, 2010. The project consists of a new pier with utilities, an installation of a complete overlook deck and railings, and a marina building addition.
- Update on Detour State Harbor: In September, the DNRE was notified that Sport Fish Restoration funds of approximately \$3 million had been awarded for this project. The necessary permits have been submitted to the Department of Energy, Labor and Economic Growth.

Mr. Jordan Byelich provided Boating Access Site updates as follows:

#### Boating Access Sites (BAS):

##### State facilities:

- Crystal Lake BAS is approximately a \$1 million project. This is a brand new development that includes all new parking, maneuver area, and a vault toilet. One of the first goals was to bring the road into M-115 at a 90 degree angle.

This new road now meets MDOT standards and the goal was accomplished. June of 2011 is the anticipated completion date.

- Maxton Bay BAS in Chippewa County is a facility that is near completion. This year's project will consist of the dredging portion this year, and the following year the Newberry Crew will upgrade the site. Budget is \$131,000.
- Muskellunge Lake BAS in Montcalm County, and Camp Lake BAS in Kent County were two paving projects that were combined for significant cost-savings. Both of these projects have been completed.
- Deer Lake BAS in Marquette County is a new site. The project is approximately \$135,000, and of that cost \$75,000 was the result of settlement money received by the DNRE for industrial contamination. A retaining wall was completed by DNRE staff, which resulted in a significant savings. This project has been completed.
- Big Pine Island in Kent County consisted of parking lot paving, barrier free, sidewalks, and site restoration. This project was combined with the Lincoln Lake BAS paving project in Kent County for a significant savings. The total cost for both sites was \$153,000. Both projects have been completed.
- Peach Lake BAS paving projects in Ogemaw County, and the Lake George BAS paving project in Ogemaw County were combined projects. The total cost for both projects was \$155,000. The Peach Lake BAS project is complete, and the Lake George BAS will be completed in the spring of 2011.

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Grant in Aid facilities:

- Jones Landing Park in Bear Creek Township (on Walloon Lake) in Emmet County is the development of a new BAS. The park portion is being partially funded with MNRTF money, and the BAS portion is being partially funded with Waterways money (\$161,000). Anticipated completion date is spring 2011.
- Hermansville Lake BAS in Menominee County is a new site development in Meyer Township. This project consisted of a ramp construction, entrance road and parking lot development, site restoration, and vault toilet construction. This is the only public boating access site on the lake. This project has been completed.
- Village of Bear Lake Hopkins Park Boating Access Site in Manistee County. This project consisted of a ramp and skid pier reconstruction, and minor paving. The final cost of the project was less than \$40,000.
- City of Frankfort BAS in Benzie County was completed this year. The project consisted of ramp and skid pier construction, parking lot restriping, and site restoration.

On behalf of the DNRE, Mr. Paul Petersen attended the States Organization for Boating Access (SOBA) professional conference in Park City, Utah where he received two awards from SOBA. The first award was for Straits State Harbor in the "Marina and Harbors" category. The second award was for Eight Point Lake BAS in the "Small Access" category.

The Michigan State Waterways Commission received a plaque in appreciation for their financial support in the completion of the Arthur Street BAS in Manistee County.

Commissioner Bryanton suggested sharing the news of the Eight Point Lake BAS award with the association by sending them a letter of appreciation thanking them for their cooperation and collaboration with this project.

### Standing Committee Reports

There were no standing committee reports.

### NEW BUSINESS

Commissioner Bryanton made a Motion to rename the “Facilities, Operations/Policy, and Boating Access Committee” as the “Committee of the Whole.” Commissioner Mansfield moved to approve the motion. The motion was seconded by Commissioner Brown and it carried unanimously.

Commissioner Bryanton explained to the audience that at the 8:30 a.m. Committee Meeting, the Waterways Commissioners and staff discuss the items listed under “New Business” in detail.

Commissioner Bryanton invited interested members of the audience to speak on the Traverse City Fee Variance Proposal.

- Mr. Wes Schulz from Traverse City, representing seasonal slip owners at the Clinch Park Marina, came to encourage denial of the Traverse City Commission’s request for the 30 percent surcharge. Mr. Jason Fleming replied that the original variance request from Traverse City has been pulled back, and their options will be discussed at a future Traverse City Commission meeting. Mr. Schulz objects to any surcharge over and above the premium rate, and suggests that a burden has been put on a very small group of people.
- Mr. Mike Quirk from Traverse City, representing seasonal slip owners at the Clinch Park Marina, states that he does not feel that Traverse City has more to offer than any other marina in the state. He also wanted to voice his opposition that any rate increase above the premium rate is not justifiable. Mr. Fleming replied that Traverse City is paying back the two separate loans they had from their internal accounts. Their intent was by offering slips up at that higher rate they could pay off their own loans. Mr. Fleming stated that he had concerns about Traverse City going as high as 30 percent when that rate was first requested in 2005.
- Mr. Roy Nichols from Traverse City, representing seasonal slip owners at the Clinch Park Marina, distributed Traverse City’s Duncan L. Clinch Marina Fund

budget for 2010-11, and an excerpt from a development project agreement signed by the Traverse City Commission on December 3, 2001. Mr. Nichols referred to Item f., where it states "...Any net revenues accruing from the operation of the facilities shall be separately accounted for and reserved in a restricted fund by the Grantee for the future maintenance and/or expansion of the facility..." Mr. Nichols believes that Traverse City is not doing that, and he referred to the "Transfers Out-City Fee" line item of Traverse City's 2010-11 budget. Mr. Fleming replied that the DNRE routinely audits Grant in Aid projects to ensure that grant funds are being spent properly and according to our Agreements.

- Mr. Steve Davis from Traverse City, representing seasonal slip owners at the Clinch Park Marina, is willing to pay the premium rate, and thanked the Waterways Commission for listening to their concerns.

Commissioner Bryanton made a Motion to perform an audit on the Clinch Park Marina in Traverse City to determine if funds have been used according to our agreements, and to the reasons set forth in their Grant in Aid Agreement. The motion was seconded by Commissioner Hertel, and it carried unanimously. Mr. Fleming stated that an audit could be a good way to communicate with the grant communities.

Commissioner Bryanton asked Mr. Fleming to advise the Clinch Park Marina boaters, who attended today's meeting, on what will be taking place regarding the adoption of the transient and seasonal fee proposals.

Commissioner Hertel also suggested to the Clinch Park Marina representatives, that they closely monitor what is taking place at the weekly Traverse City Commission meetings, and let their voices be heard.

Commissioner Bryanton and the other Commissioners have agreed that Action Item B (Traverse City Fee Variance Proposal) has been pulled. Commissioner Marowske moved to have Action Item A (Union Lake Boating Access Site Land Acquisition); Action Item C (Resolution to Adopt Seasonal and Transient Fee Proposal; Action Item D (Adopting 2011 Meeting Dates and Locations; and Action Item E (Grant Policy Amendment) be placed on the consent agenda. Commissioner Mansfield seconded the motion. It was approved unanimously. It also carried unanimously that Action Items A, C, and E are passed.

#### Adopting 2011 Meeting Dates and Locations

Several sites were suggested as possible meeting locations for the 2011 Michigan State Waterways Commission meetings. These locations will be discussed internally and announced at the February 2011, meeting in Lansing. Commissioner Hertel made a motion to carry this topic forward. It was seconded by Commissioner Marowske, and was carried unanimously.

### Elections

Elections were held and Commissioner Hertel moved to approve the nomination of Commissioner Bryanton as Chairperson, Commissioner Marowske as Vice Chairperson, and Commissioner Brown as Secretary of the Michigan State Waterways Commission. The motion was seconded by Commissioner Mansfield. It was carried unanimously.

### Update on Recreation Passport

The DNRE is waiting for feedback from the Secretary of State on the Recreation Passport activity. Quite a number of people are excited about the \$10 Recreation Passport opportunity. Approximately 1800 telephone calls have come in to the call center with specific questions about the passport. We are still selling local sales, and have non-resident vehicle daily and annuals for sale as well. By the next meeting, the staff will have information that tracks our progress since October 1.

### Senate Bill 34

As reference:

**CONTENT The bill would amend Part 781 (Michigan State Waterways Commission) of the Natural Resources and Environmental Protection Act to describe the purposes for which money in the Waterways Account may be spent in regard to recreational boating facilities and administration.**

The bill would define "recreational boating facilities" (previously undefined) as boat launches, harbors, marinas, and locks assisting recreational boats gaining access to water bodies at different elevations.

The bill also adds the possibility of using waterways funding for projects in the private sector under "special circumstances." Projects could include capital improvements as well as dredging.

### Dredging Grants

Commissioner Marowske inquired about new developments at Hessel Marina in Mackinac County. Clark Township has been reviewing our agreement for finalization to assist with the communities' dredging obligations. The Army Corps of Engineers' work is nearly complete and the community would like to dredge while there is an opportunity to save mobilization costs. We anticipate this agreement will be executed in the near future.

### Other Business

Commissioner Bryanton stated that there are currently two vacancies on the Michigan State Waterways Commission, and would it be possible to communicate to Governor-elect Snyder the importance of filling those vacancies as quickly as possible, and find

out if it is all possible to have former Commissioner Denny Bailey reelected to the Commission?

MOTION: Commissioner Hertel moved to adjourn this meeting of the Michigan State Waterways Commission. The motion was seconded by Commissioner Marowske. This meeting of the Michigan State Waterways Commission was adjourned at 11:10 a.m.

Next Waterways Commission Meeting: February 18, 2011 in Lansing.