STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING

RICK SNYDER
GOVERNOR

RODNEY A. STOKES
DIRECTOR

SUBMITTED: May 21, 2012
RESUBMITTED: June 18, 2012

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Order to Regulate Use of Crystal Lake Boating Access Site, Benzie County
Land Use Order of the Director Amendment No. 04 of 2012

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:

The intent of this order is to amend Land Use Order 2.106 to prohibit parking at the Crystal Lake boating access site for access to and use of the Betsie Valley Trail.

In the court case, *Crystal Lake Property Rights Association v Benzie County and Dept. of Natural Resources*, 280 Mich App 603 (2008), the court directed by consent to the construction and operation of a boating access site (BAS) on Crystal Lake. The court did not intend nor authorize the use of the BAS as a means for the public to gain access to the Betsie Valley Trail.

Furthermore, under the Consent Judgment, Stipulation 4.3 states that the Department of Natural Resources (DNR) shall adopt a Land Use Order pursuant to MCL 324.504 specifically prohibiting access to the Betsie Valley Trail from the BAS. The Land Use Order shall also prohibit any and all activities upon the site other than those directly involving boating access. The Consent Judgment also stipulates that neither the judgment nor the Land Use Order shall affect the rights of users of the BAS to engage in otherwise lawful recreational pursuits on the waters of Crystal Lake, including winter recreation access to the lake.

Recommendation:

This order was submitted for information at the June 14, 2012 meeting, it appeared on the Department's June 4 and July 2, 2012 calendars, and is being submitted for action at the July 12, 2012, meeting.

Ronald A. Olson, Chief
Parks and Recreation Division

Gary Hagler, Chief
Law Enforcement Division

William O'Neill, Acting Chief
Forest Resources Division

Russ Mason, Ph.D., Chief
Wildlife Division

James Dexter, Chief
Fisheries Division

William E. Moritz, Ph.D.
Natural Resources Deputy

LAND USE ORDERS OF THE DIRECTOR

Amendment No. 04 of 2012

By authority conferred on the Director of the Department of Natural Resources by Section 504 of the Natural Resources Environmental Protection Act, 1994 PA 451, as amended, MCL 324.504, and in accordance with R 299.921 to R 299.933 , the Director of the Department of Natural Resources orders the following:

2.106 Vehicle and trailer parking within certain access sites and harbors, prohibited conduct.
Order 2.106 A person shall not do any of the following:

(1) Park a vehicle of any type on the premises of the Harrisville boating access site 1-7, section 12, T26N R9E, Alcona county, between the hours of 11:00 p.m. and 4:00 a.m. daily from July 1 through October 31.

(2) Park a vehicle with a trailer attached on the premises of Au Gres mooring facility, Arenac county.

(3) Park a vehicle with a trailer attached, leave unattended, a vessel, a vessel on a trailer, a trailer unattached to a vehicle on the premises of Lexington mooring facility, Sanilac county.

(4) Park a motor vehicle at the dock parking lot between the hours of 11:00 p.m. and 5:00 a.m. daily from May 20 through September 15 at the East Tawas mooring facility, Iosco county. This prohibition does not apply to boaters registered and moored at the East Tawas state dock.

(5) Enter or remain on the premises of the dock parking lot of the East Tawas mooring facility, Iosco county, from May 20 through September 15, without having paid the posted entrance fee. This prohibition does not apply to boaters registered and moored at the East Tawas state dock with a parking permit.

(6) Park a vehicle of any type in the Upper Foote dam parking lot located at the Foote dam public access site 35-101, section 15, T24N R8E, Iosco county, between the hours of 11:00 p.m. and 4:00 a.m. daily from August 1 through October 31.

(7) Park a vehicle of any type on the premises of the Belleville lake boating access site 82-3, section 22, T3S R8E, Wayne county, between the hours of 7:00 p.m. and 7:00 a.m. daily from November 1 through March 31, or between the hours of 10:00 p.m. and 7:00 a.m. daily from April 1 through October 31.

(8) Park a vehicle of any type between the hours of 11:00 p.m. and 4:00 a.m. daily from May 1 through September 14 on any of the following state-owned lands:

(a) Buchanan road boating access site 11-8, section 13, T7S R18W, Berrien county.

(b) Jasper dairy road boating access site 11-13, section 27, T5S R18W, Berrien county.

(c) Diamond lake boating access site 14-6, section 6, T7W R14W, Cass county.

(d) Lobdell lake boating access site 25-1, section 35, T5N R5E, Genesee county.

(e) Lake Fenton boating access site 25-2, section 14, T5N R6E, Genesee county.

(f) Lake Ponemah boating access site 25-3, section 22, T5N R6E, Genesee county. In addition, such conduct shall be prohibited on September 15.

(g) Sugar loaf lake boating access site 39-11, section 5, T4S R11W, Kalamazoo county.

(h) Lake Nepessing boating access site 44-1, T7N R9E, Lapeer county.

(i) Harley Ensign memorial boating access site 50-1, section 15, T2N R14E, Macomb county.

(j) Selfridge boating access site 50-3, section 5, T2N R14E, Macomb county.

(k) Clinton river cutoff boating access site 50-7, section 30, T2N R14E, Macomb county.

(l) Halfway creek boating access site 58-6, section 33, T8S R8E, Monroe county.

(m) Bolles harbor boating access site 58-10, private claim 75, Monroe county.

(n) Orchard lake boating access site 63-1, section 14, T2N R9E, Oakland county.

(o) Union lake boating access site 63-2, section 1, T2N R8E, Oakland county.

(p) Oakland lake boating access site 63-3, section 2, T3N R9E, Oakland county.

(q) Tackles drive boating access site 63-4, section 13, T3N R8E, Oakland county.

(r) White lake boating access site 63-6, section 13, T3N R7E, Oakland county.

(s) Lake Orion boating access site 63-7, section 2, T4N R10E, Oakland county.

(t) Big lake boating access site 63-8, section 28, T4N R8E, Oakland county.

(u) Long lake boating access site 63-9, section 1, T2N R8E, Oakland county.

(v) Crescent lake boating access site 63-11, section 21, T3N R9E, Oakland county.

(w) Loon lake boating access site 63-12, section 11, T3N R9E, Oakland county.

(x) Squaw lake boating access site 63-13, section 29, T5N R10E, Oakland county.

(y) Lakeville lake boating access site 63-14, section 27, T5N R11E, Oakland county.

(z) Maceday lake boating access site 63-16, section 7, T3N R9E, Oakland county.

(aa) Cedar island lake boating access site 63-17, section 27, T3N R8E, Oakland county.

(bb) Tipsico lake boating access site 63-18, section 30, T4N R7E, Oakland county.

(cc) Klinger lake boating access site 75-2, section 2, T8S R11W, St. Joseph county.

(dd) Lexington boating access site 76-4, section 31, T10N R17E, Sanilac county.

(9) Park a motorized vehicle without a trailer attached in any area other than a parking space designated as "parking for vehicles without trailers," between the hours of 4:00 a.m. and 11:00 p.m. on any Saturday, Sunday or holiday on any of the following state-owned lands:

(a) Lake Fenton boating access site 25-2, section 14, T5N R6E, Genesee county.

(b) Little Whitefish lake boating access site 59-9, section 8, T11N R10W, Montcalm county.

(c) Orchard lake boating access site 63-1, section 14, T2N R9E, Oakland county.

(d) Union lake boating access site 63-2, section 1, T2N R8E, Oakland county.

(10) Park a vehicle of any type on the premises of Crystal lake boating access site 10-006 to access and use the Betsie valley trail, except for access to and from the waters of Crystal lake for recreation only, section 22, T26N, R16W, Benzie county.

(11) Park a vehicle of any type between the hours of 11:00 p.m. and 4:00 a.m. daily from April 15 through October 31 on the premises of the Port Austin boating access site 32-12, section 30, T19N R12E, Huron county.

This amended order shall be posted on or after July 13, 2012.

Issued on this 12th day of July, 2012.

Rodney A. Stokes
Director