

Meeting Minutes of the Meeting of
Michigan State Waterways Commission
April 17, 2009

Country Inn and Suites by Carlson
6511 Centurion Drive
Lansing, Michigan 48917

A regular meeting of the Michigan State Waterways Commission was called to order by Chairperson Bob Brown at 10:37 a.m. on Friday, April 17, 2009, at the Country Inn and Suites by Carlson, Lansing, Michigan. The following Commissioners were present:

Bob Brown
Janet Mansfield
Carol Oakley
Denny Bailey
Mike Bryanton

Commissioner Curtis Hertel, Sr. was absent

Public Appearances:

Written Correspondence

There was no written correspondence

Appearances (Non-agenda Items)

- Mr. Gary Reid appeared before the Commission on behalf of major stakeholders and Clark Township to express their appreciation for the opportunity to request assistance for further improvements for the Les Cheneaux Islands Waterways for maintenance and dredging of seven miles of navigable waterways. This dredging effort will improve the area waterway to accommodate larger transient boating watercraft, which has been severely restricted over the past several years. In addition, the onset of expenditure of federal money has accelerated their need to move forward. They also expressed the need to dredge and renovate the Cedarville Municipal Harbor and are seeking waterways support for this project. The Les Cheneaux Waterways Restoration Group wants to assure the Waterways Commission that they are committed to working together on this worthwhile project.
- Mr. Chuck Dobbins, City Manager for the City of New Buffalo, appeared before the Commission to renew a request to use a portion of the State's

boat launch (would consist of one row of parking) on overflow days that will be underutilized with normal boating activity at this site.

The Commission will take this request under consideration.

- Mr. Stephen Hume addressed the continuing issue regarding his efforts associated with upkeep of Grayhaven Marina. He indicated security remains an issue as someone has removed stones and climbed in under the fence. The power going out to the dock had also been turned on and he indicated there could be safety issues. Mr. Hume would like to be able to lock the power off. The power to building is only on in the winter so the pipes won't burst and with nicer weather approaching, the power will be turned off.

Appearances (Agenda Items)

There were no appearances for agenda items.

Minutes

February 13, 2009 - Regular meeting.

MOTION: Commissioner Brown moved to approve the minutes of the February 13, 2009 Waterways Commission meeting. The motion was seconded by Commissioner Mansfield and unanimously approved.

Old Business

Staff Project Status Report

Mr. Bill Boik provided the following updates:

Crooked Lake Lock:

The Army Corps of Engineers reported that due to procurement delays for key parts, the major renovation will not occur until fall of 2009. The Lock will open April 25, however, and interim retrofits will be made to insure the lock operates safely.

Detour Harbor:

The project will be funded through a 75% Sport Fishing Restoration Fund grant. This totals nearly \$4 million and it is necessary to complete the design work to comply with the grant application deadline of September 30. Staff has had challenges getting the utility company to finalize the electrical infrastructure to accommodate the project. The harbor renovation is scheduled to be completed by 2010.

Wind Power:

Grant applications have been made to add windmills to several harbors to provide operating electricity.

Mr. Paul Petersen provided an update on harbors as follows:

Straits State Harbor:

This week the parking lots and sidewalks have been staked out at Straits State Harbor in Cheboygan County, and they hope to start on concrete work next week. One of the unique features of the harbor is the placement of wind turbines. The turbines operate on a downwind capacity and, therefore, have less moving parts and pieces to break down. The project is on schedule and we anticipate a completion date at the beginning of June.

Leland Township Marina:

The harbormaster building has been removed, existing piers have been demolished, and the fuel tanks arrived last week. The interior walls in the new harbormaster building are completed. There is an end of June completion date for this project. Mr. Boik stated that there are issues with the local building inspector regarding floating piers. After meeting with the Department of Energy, Labor and Economic Growth, on some floating pier issues, that Department is sending out a letter to state inspectors stating that these fall under a different category. We are also looking to inserting codes (that inspectors can use to inspect our facilities) into the revised Construction Code Manual. The Leland project has been in design for over 3 years. Modifications have been made to get the fuel tank off the street. We anticipate a completion date by the end of June.

Mr. Jordan Byelich provided an update on Boating Access Sites (BAS) as follows:

The Bergland Dock BAS:

A state project, has a spring completion date. The DNR construction crews will do the launch replacement, add sheet pile, redevelop and expand the parking area, and pave it in the future.

The City of Iron Mountain:

A grant-in-aid project, which was completed last year and included the addition of a 2nd boat launch lane, paving the entire site, redeveloping the shoreline restoration, and completing utility work.

Mitchell State Park Boating Canal:

This connects Lake Mitchell and Lake Cadillac. This project is a federal Sport Fish Restoration grant project consisting of a canal seawall replacement, adding an accessible walkway along the river walk, replacing a sidewalk, and site

restoration work, including a quarter mile of rock that was added. It has an anticipated completion date of spring 2009.

Eight Point Lake BAS:

There was a pre-bid meeting on April 13 for Eight Point Lake with 22 bidders competing. Construction will begin this spring with a completion date of August.

Grayhaven Marina Study:

The demand/feasibility study for Grayhaven is targeted to be completed by May 13, 2009.

Staff Operations Status Report

Mr. Jason Fleming provided an update on operations as follows:

The Portage Restaurant Lease:

The Portage Restaurant lease has been signed and sent back to Ms. Brenda Mikula, Lease Coordinator. The term of the lease is for five years with certain stipulations for renewal. The restaurant is making preparations to open for business.

Site Acquisition Policy:

We have a working draft for a Site Acquisition Policy (to address projects such as Eight Point Lake, and allow public interaction to occur earlier in the process) to have a system in place of how we approach different projects and, in addition, a Developmental Policy is being drafted that would supplement the Site Acquisition Policy. There will be something in place by the June meeting.

Clean Up of Land Use Orders:

Changes have been made to Chapter 2 of Land Use Orders associated with boating. These are specific rules that apply to boating access sites and harbors that are above and beyond those not covered under any other rules. This item is on the May NRC meeting to be finalized based upon the WWC Resolution recommending the updates, and then on to Director Humphries for final approval.

Standing Committee reports

There were no Standing Committee reports.

New Business

Waterways Summit Update:

Mr. Ron Olson has been in communication with Mr. Van Snyder, MBIA President, about conducting a Summit Meeting. Ron will share more information on the final plans as it develops before the next Commission meeting in June.

Grayhaven update:

Mr. Jason Fleming gave a brief update and stated that we are currently in litigation. We have met with the City and Attorney General's office to discuss the potential for settlement. Based on our survey records, Mr. Fleming identified on a map what is maintained by the state, and what is currently maintained by the City. The area in question across from canal has already been resolved. A July court date has been set; however, we are working to resolve the matter of ownership before this court date, and are feeling optimistic with the outcome.

City of Howell update:

Mr. Fleming remarked that at the last meeting, a motion was tabled to work with the City on our fee structure variance grant requirements. The City has decided not go ahead with the grant, but up to this point have not received anything in writing; therefore, it is still an open project at this point. Mr. Fleming and Mr. Byelich will meet with the City to try and resolve this matter. In the meantime, we are making changes in our application process in defining certain terms and explaining in more detail the terms and conditions of the grants.

New Business**Legislative update:**

Mr. Herta stated that Senator Jason Allen has introduced a bill to require boaters to clean their boats to prevent the spread of weeds. The challenge might be in determining what constitutes having a clean boat and how we could enforce it.

Disinfection stations:

Mr. Fleming spoke about a recent press release that addresses working with volunteers to establish disinfection stations at state boat launch sites. The DNR sees this as an opportunity to educate the public on preventing the spread of Viral Hemorrhagic Septicemia (VHS) as well as other diseases and invasive species in Michigan waters. We are currently seeking the proper use permits and making sure that we are in compliance with the law. The DNR is encouraging lake associations and other interested groups to help establish these voluntary stations around the state.

Grant in aid audit letters:

Mr. Fleming says that we are in the process of working with the Internal Audit Division about establishing grant in aid audits again for the second year. We have a list of communities identified for 2009 that has been provided to auditors. We have received favorable comments from working with the communities. We would like to be finished with this in a 3 year cycle. Commissioner Oakley asked if we have staff to follow up. We correspond with the communities on a routine basis with regards to some of the terms of their agreement. Mr. Olson also pointed out that our inspection of the Grant-In-Aid facilities is also handled by our field staff, which extends are ability to monitor and report on activities at Grant-In-Aid facilities.

Port Austin Commercial Use:

Mr. Fleming reported for informational purposes, that we have had a request from a gentleman, who owns a 30' charter boat, to use a slip at Port Austin at a reduced commercial rate of \$1600 because of his current hardship situation. This individual had a slip at a private marina, which is no longer in business. We have agreed that he can use a commercial use slip for his boat with certain stipulations: first, it is a one year agreement and next year we will reassess the situation and increase the fee. Second, he cannot use the main slip areas, has no access to water from the piers, and will not be allowed to use boater restrooms. Based on the circumstances, we find this type of request reasonable. We will continue to review requests on a case by case basis. Mr. Olson says that we are now in a better position as far as commercial use goes because of the new policy that was promulgated. Commissioner Brown had a question about people running a commercial operation out of a boat launch. DNR has a Department-wide policy on addressing commercial use on DNR lands, including boating access sites and harbors. The Department determines if there is a need for oversight and whether or not there is an impact on the resources. We have entered into leases for activities such as paddlesport liveries, drift boat guides, and marinas that operate launch and retrieval services. Brenda Mikula, Lease and Concessions Administrator for PRD, is the point of contact for these leases. DNR requires a permit or lease for these types of activities because resources have been impacted negatively in past practices on DNR lands.

Commissioner Brown asked if we coordinated or communicated the ability to lease properties for commercial use. The DNR only enters into agreement for DNR launches, but we have made some contact about this option with other communities. Staff can look into providing this information out to the Grant-In-Aid communities.

Commissioner Bailey inquired about the fees that are assessed in commercial operations. The rates for permits/leases vary depending on the type of use and the either the frequency or equipment used on site. Canoe liveries range up to \$1200 a year. A question was asked about enforcement. Mr. Olson explains that we are addressing that with the Law Division. Both Mr. Fleming and Mr. Harold Herta are part of DNR's Commercial Operations Workgroup. Staff will provide our pricing strategies for the June meeting.

CONSENT AGENDA

Commissioner Bryanton explained to the audience that the action items had already been discussed in varying detail by staff at the committee meeting and moves to approve all Resolutions listed under the consent agenda.

MOTION: Commissioner Bryanton moved to the approval of all items. The motion was seconded by Commissioner Bailey and it carried unanimously. This motion includes the following Resolutions:

Resolution #04-2009-01 - Grant-in-Aid Awards

Resolution #04-2009-02 - Boyne City Variance Request

Resolution #04-2009-03 - Mackinaw City Variance Request

Resolution #04-2009-04 - Bay City Variance Request

Resolution #04-2009-05 - City of New Buffalo Variance Request

Resolution #04-2009-06 - City of Bay City Request

Commissioner Brown extended a big thank you to Diane Gillespie Cook for her years of service to the Michigan State Waterways Commission.

Commissioner Bailey moved to adjourn this meeting of the Michigan State Waterways Commission. Commissioner Mansfield seconded the motion and it carried unanimously.

This meeting of the Michigan State Waterways Commission was adjourned at 11:35 a.m.

The next meeting of the Michigan State Waterways Commission is scheduled for Friday, June 12, 2009, in Marquette.