

## **Waterways Site Acquisition Policy**

### **POLICY**

The intent behind a waterways acquisition policy is to establish basic procedures and criteria for acquiring real estate for development of recreational public boat launching sites by the Waterways Program in compliance with MCL 324.78114 ("Act 210"). Parks and Recreation Division (PRD) will provide facilitated public input opportunities into the process of considering property acquisitions for boating access locations. This facilitated public input will be conducted in a manner that protects the Department's ability to acquire land while also protecting the rights of the owner of the desired property.

### **Section I: Criteria Used to Determine Relative Priority for Acquiring BAS property**

PRD uses established guidelines for weighing the potential benefit of new site acquisitions. The following serve as points of consideration to guide the acquisition program.

- 1) Lack of Public Boating Access available on the body of water or to adjacent connecting bodies of water.

Public Boating Access is defined as:

- Dedicated launch area developed for watercraft access
- Maneuver space suitable for vehicle/trailer launch and retrieval
- Adequate parking space

- 2) Preferred sites versus existing public boating access.

- Existing sites exhibit limited functionality based on natural conditions such as slope, fetch, siltation or other limiting factors.
- Existing sites exhibit limited functionality based on boundary or developmental issues such as boundary area, traffic flows, neighboring developments or other factors.
- Other issues: Federal funding opportunities, deed restrictions, existing easements or other mitigating circumstances indicate the selection of an alternate "*preferred site*" would be more desirable rather than continuing to use an existing sub-standard site.

- 3) Comprehensive List of Desired Public Boating Access Locations

- PRD will maintain a listing of inland lakes upon which public boating access is considered to be a state waterways program priority for acquisition. The list shall include bodies of water where public boating

access is limited, non-existent or where current developed sites have limitations as mentioned previously. The list shall be updated and posted on the Department website.

The Waterways Planning Unit will apply the above guidelines as minimum considerations to determine if newly identified properties may be acceptable potential acquisitions.

## **Section II: Seeking Purchase Option and Initial Public Comment**

Historically, outside influences have complicated and at times stopped the Department from acquiring waterfront properties (specifically on inland lakes) thus preventing or diminishing public boating access opportunities to public waters. To initiate acquisition, the Department obtains an option from the seller. Securing an option to purchase does not guarantee the Department will purchase the property since the Director's approval must be obtained before a purchase is completed. Securing an option to purchase prior to public discussion of the merits of a proposed acquisition does ensure several things. First, it ensures that the Department can speak to questions of timing with some level of certainty; second, that public comment can be gathered and responded to prior to a contract to purchase being approved by the Director; and third, it provides the seller of the desired property with some protection and clarity in the form of a written agreement with the Department.

- 1) **INITIATION:** PRD determines the priority of a site to be acquired using the procedures outlined in Step 1 above, then directs the Real Estate Services (RES), to initiate negotiations with the owner and conduct other activities (Phase I environmental assessment, survey, title work, etc.) which may be deemed necessary by RES. In anticipation of a secured option, PRD will commence with preparations for obtaining public comment. The following activities will take place simultaneously.
  - RES will keep PRD apprised of the status of negotiations and inform PRD of the proposed terms and purchase price prior to presenting the offer. PRD will issue a written instruction to RES to proceed with the option, or continue negotiations stipulating PRD's desired outcome. RES will respond accordingly.
  - PRD will prepare preliminary site research, conceptual site plans, and communication materials in anticipation of public meetings should an option be secured by RES. This will include selecting potential public meeting venues, determining their availability, drafting public notices and any contact letters to stakeholders such as neighborhood associations, local units of government, boating and fishing groups, etc. PRD will keep RES informed of progress on these items.
- 2) **MOBILIZATION:** Both PRD and RES, having completed the Initiation process, will confirm outcomes and PRD will inform the Director, Natural Resources Commission (NRC), and Waterways Commission of the potential purchase. Mobilization will be executed with close cooperation between designated staff and management in both divisions to ensure smooth, clear communication to

the Department administration, NRC, Waterways Commission and general public. The following activities will take place simultaneously.

- PRD, having received notification from RES that the option has been accepted, will commence with the public notification and public comment process. Over a period of no more than 90 days, PRD will conduct public meetings, surveys, stakeholder meetings or other public comment gathering activities as deemed necessary to gauge the public's opinion on the proposed Waterways land acquisition and to comply with Section 324.78114 of PA 451 of 1994 (FKA "Act 210").
- 3) **RECOMMENDATION:** When the public comment process is concluded, PRD will advise RES and other interested parties within the Department of the results of the process and PRD's recommended action.
- If the public comment process results in a recommendation to proceed with the acquisition, RES will proceed with drafting a Director's Memorandum for the next available NRC meeting and PRD will present a Resolution to the next available Waterways Commission meeting. PRD will provide RES with pertinent information describing the property, public commentary, and any conclusions about the future direction of the project for inclusion in the Director's Memorandum so as to fully inform the Director, NRC, Waterways Commission and the public about the proposed acquisition.
  - If the public comment process results in a recommendation that the acquisition be postponed, RES will inform the seller and determine if the option may be renewed and under what terms.
  - If the public comment process determines that the proposed acquisition should be abandoned, PRD will advise RES so the seller may be informed.

### **Section III: Director's Approval**

The Director signs or rejects the recommendation for acquisition of the proposed property.