

Michigan State Waterways Commission
Regular Meeting

Minutes of the Meeting of
October 15, 2004
East Tawas City Hall and Community Center
Council Chambers
East Tawas, Michigan

A regular meeting of the Michigan State Waterways Commission was called to order by Chairman Opolka at 9:00 a.m. on Friday, October 15, 2004, in the East Tawas Council Chambers, East Tawas, Michigan. The following Commissioners were present:

Frank Opolka, Chairman
Curtis A. Hertel, Sr.
Janet Mansfield
David Giffin
John Winn

Commissioner Carol Oakley was excused.

Resource Management Deputy Mindy Koch and Department of Natural Resources (DNR) Lansing staff were present.

Chairman Frank Opolka introduced the Waterways Commissioners, DNR staff, and Mayor Bob Elliott.

Mayor Elliott welcomed the Waterways Commission Members and DNR staff and thanked the Waterways Commission for visiting East Tawas. He then introduced City Manager Ron Leslie and City Treasurer/Clerk Belinda Baker. Chairman Opolka thanked Mayor Elliott and City Manager Ron Leslie for their hospitality.

Public Appearances

Mr. Richard Janke, Treasurer of the Saginaw Valley Naval Ship Museum, discussed the material provided to the Commission regarding the USS Ensign. The group Mr. Janke represents wants to bring the USS Ensign (the ship is a destroyer) to Bay City as a permanent, living museum and is requesting a mooring spot. Mr. Janke provided a map explaining the location of the desired mooring spot, which is adjacent to the DNR boat launch. The ship is a national historic landmark and would be considered a state historic landmark if it is moved here. The USS Ensign is currently in Philadelphia and the Navy will not allow it to be moved until there is a permanent mooring site. Chairman Opolka requested information from staff regarding the site. Mr. Bill Boik stated that the property is a federal Dingell-Johnson sponsored site and the county administers it in partnership with the state. The DNR and Waterways Commission will require that the

county approve the proposal prior to the Commission reviewing it. The Commission could then consider approving the project after verifying with the federal government that this is an appropriate use of the site. Mr. Janke confirmed that this is the procedure the group is following. No funds are being sought from the Commission to fund the proposed museum.

Mr. Bob Schafer, representing Mackinaw Tall Ships, was next to address the Commission. Mr. Schafer distributed material regarding the tall ships he would like to build in St. Ignace. He wants to begin construction of the first tall ship in the spring and locate it in the old Chief Dock on the south side of the new marina. Mr. Schafer stated that the new marina has increased business in the area. The Department of Environmental Quality has given clearance for creation of temporary structures and to build the ship in an open-air environment. Mr. Schafer is looking for year round attendance by the public to watch a tall ship being built. He has received an excellent response from the community in support of this venture. Mr. Boik indicated that the City of St. Ignace would have to come forward in support of the project if any changes would be sought in the use of DNR facilities. Mr. Schafer stated that many people would come to watch the ships being built. When the first ship is finished, the company will offer two-hour day sails. The business will also participate in programs in conjunction with the school system. A website will soon be available for the Mackinaw Tall Ship Company.

Minutes

Meeting of May 21, 2004

MOTION: Commissioner Giffin moved to approve the minutes of the May 21, 2004 Michigan State Waterways Commission Meeting. Commissioner Mansfield seconded the motion and the minutes were unanimously approved.

Meeting of August 6, 2004

The minutes of the August 6, 2004 Michigan State Waterways Commission Meeting are provided for information only.

Old Business

Project Status Report

Mr. Boik recently attended a conference of the States Organization for Boating Access, representing Michigan. He informed the Commission that Michigan received two national awards at this conference. The first one was for the St. Ignace Marina project. The second award was for the MRBIS II website application. The MRBIS system has been made faster, all harbors are on the website and they are directly linked to the reservation system. The website has added functions including a user survey. A fish species search is available as well as digitized watercraft controls, lake bathymetry, and educational tidbits. Mr. Lowen Schuett complimented Mr. Boik and the other staff in the Waterways Program for their work on the MRBIS system.

Mr. Boik continued his report with information regarding current projects. The Platte River boat launch is unique because it is a road ending and the launch accesses Lake Michigan. The county administers the road and requested DNR assistance to improve the launch. Mr. Boik indicated that there are seventy-five parking spaces on both sides of the road.

The next project discussed was the harbor at Fayette State Park. The project is now complete and involved replacing the old dock, which was in serious disrepair. The dredging has been done at the site in Garfield Township in Naubinway and the project is presently under construction. A future project at the St. Clare boat harbor was next presented. The environmental assessment is completed, but the community has some concerns about the issues surrounding transient versus seasonal slips. The project in St. James Township on Beaver Island is currently under way. An engineering study has begun on St. Joseph's West Basin Marina. The Cedar River Marina in Cedarville is still experiencing some contractor issues.

The dredging project in Detour should be completed this fall. Dredging in East Tawas will start sometime after December. Projects at Little Lake and Whitefish Point have been completed, while Lac LaBelle should be started soon. Staff are working on a number of legal issues with regard to boating access. Crystal Lake in Benzie County will have a summary disposition hearing October 21. An appeal has been filed with DEQ regarding the permit. DNR staff will meet with DEQ to discuss issues regarding the wetland and the mitigation plan. A neighbor to the Lake Mackatawa Marina in Holland has had issues with water during rain. The site was redeveloped, but the neighbor also made changes to his marina including resurfacing his parking lot and erecting a large building. Mackinac Island has a trespass issue that will be going to court shortly. The owner adjacent to the East Marina site has encroached 40 feet. A new neighbor to the Torch Lake boating access site is claiming riparian ownership and blocking the boat ramp. The township supervisor is trying to assist the DNR with resolving this problem.

Upon a request from Chairman Opolka regarding the Cedar River dredging project, Mr. Boik stated that funds had not been requested from Congress for the Army Corps of Engineers to provide their services. Mr. Schuett explained that the next possible time for consideration is during the next budget cycle. This should occur through a DNR recommendation. Chairman Opolka asked Resource Management Deputy Mindy Koch to follow up on this issue and provide a status report at the December meeting.

A question was raised regarding Mackinaw City and Mr. Boik stated that current work is on the breakwater and the engineering process is completed.

Public Appearances (continued)

Mr. Lechner stated that he has not been paid for the Bois Blanc Island project and indicated that he was the low bidder on the St. Ignace project. Chairman Opolka requested Mr. Boik to provide background information so that Mr. Lechner's comments

would be more meaningful to the Commission. Mr. Boik indicated that the township could not be paid for violating permits. The DNR agreement is with the township and the township owes Mr. Lechner the money. Mr. Lechner said that he was given incorrect information at the beginning of the project. The project was completed one year ago in July. Commissioner Hertel suggested convening a meeting with all of the parties in the room at one time. Chairman Opolka requested that Mr. Schuett take the lead on arranging the meeting and report back to the Commission in December. Resource Management Deputy Mindy Koch stated that the participating parties must be clear. These include the township, DEQ, DNR, the Army Corps of Engineers, and Mr. Lechner.

Operations Status Report

Mr. Harold Herta provided information regarding the audit report on the grant-in-aid inspection process. The DNR received a finding from the Auditor General indicating problems with the inspection process. Staff realized there was an issue because inspections were not always timely and communities were not receiving feedback in a timely manner. The audit finding led to a new policy for facility inspections including various aspects to improve the program. A copy of the policy was provided to the Commissioners. Since 2003 every grant-in-aid harbor with a boat launch is required to be inspected every year. Staff is presently working to combine the process with a new computerized boating access site. Work is also ongoing to place the form on a personal digital assistant in order to upload it to the central information database. The database should be launched in the spring and will allow better tracking of the timeliness of inspections. Boating staff is developing criteria to rank grant-in-aid applications in order to address concerns in a timely manner. The new process will assist in mitigating the findings of the Auditor General.

Mr. Herta next discussed the progress at Lexington. The Village of Lexington has expressed a desire to purchase the facility. An onsite meeting is scheduled this month at the harbor and the appraisal process should be completed soon. The breakwater was included in the items to be appraised. The Village has 120 days from the date an amount is agreed upon to actually come up with the money or the property reverts back to the state for a period of ten years.

A pilot point of sales system for the Central Reservation System (CRS) was introduced at state harbors this year. The CRS team met last Tuesday and Mr. Herta is expecting a report from them. He will provide further information to the Commission at the December meeting.

Chairman Opolka asked Mr. Herta for feedback regarding a series of letters from Mr. Spens. Mr. Herta pointed out some inaccuracies in the letters. Harbors have control over which slips boats use even if reservations are made through the on-line system. Mr. Herta indicated there is an intention to put boat size restrictions on slips in the system. Commissioner Winn suggested meeting with individuals from Rogers City. Commissioner Giffin mentioned that customers must call to cancel reservations during poor weather or they will be charged for their reservations.

Mr. Herta stated that reservations on the Internet are somewhere between 42-45%. Commissioner Giffin stated he has heard boaters complain that the system has a lengthy check-in process. The satellite system has helped to improve the process.

Standing Committee Reports

There were no standing committee reports.

New Business

Fee Schedule

MOTION: Commissioner Giffin made a motion to accept the proposed new fee schedule for seasonal/transient rates, boating access site rates, and lock rates. Commissioner Winn seconded the motion and it carried unanimously.

Budget Issues

Mr. Schuett explained that budget information was not available for today's meeting. Chief Deputy Dennis Fedewa felt it would be premature at this time to present the information. Commissioner Winn requested copies of the 2004-05 appropriations bills. The Commission wants to review administrative expenses. Resource Management Deputy Mindy Koch stated that the DNR is committed to bringing the information to the Commission. A budget presentation will be provided at the December meeting.

Muskegon Variance Request

Mr. Herta indicated that the City of Muskegon is requesting 20 additional seasonal slip allotments. Commissioner Giffin requested input from private marinas in the area. Mr. Tim Paul attended this meeting representing the city of Muskegon. The Commission does not want the State competing with private enterprise.

MOTION: Commissioner Giffin moved to table this request from the City of Muskegon until reaction could be obtained from the private marina owners in the area. The motion was seconded by Commissioner Winn and carried unanimously. Mr. Paul will provide names of the private marina owners in the Muskegon Harbor area to Mr. Herta.

Grand Haven Variance Request

Mr. Sec Garcia attended to represent the City of Grand Haven and explained the process to make the list for reservations for the annual Coast Guard Festival.

MOTION: Commissioner Giffin made a motion to accept the DNR staff recommendation with regard to the City of Grand Haven variance request. The motion was seconded by Commissioner Winn and carried unanimously.

Harbor Beach Variance Request

Mr. Herta explained that Harbor Beach is requesting conversion of two additional seasonal slips for use by commercial vessels. Two are presently available so this brings their total to four. The DNR staff recommends allowing this addition for a period of five years. Staff also recommends that these slips be priced as they are elsewhere at twice the transient rate. Commissioner Winn asked if these were fishing charters and Mr. Ron Wruble from Harbor Beach indicated they were and explained that the city planned to use a lottery system to bid on spots. The Commission does not want a bid system to be used as everyone should pay the same rate (twice the transient rate). A drawing will be utilized to determine who receives each of the four slips.

MOTION: Commissioner Hertel made a motion to accept the staff recommendation with regard to the Harbor Beach Variance request and allow Harbor Beach to determine the length of time for each slip with a maximum of five years. Commissioner Winn seconded the motion and it carried unanimously.

Due to the resignation of former Commissioner David Johnson the Vice Chair position is currently vacant.

MOTION: Commissioner Giffin nominated Commissioner Winn to assume the Vice Chair position. Commissioner Jan Mansfield seconded the motion and it carried unanimously.

MOTION: Commissioner Hertel moved to adjourn this meeting of the Michigan State Waterways Commission. The motion was seconded by Commissioner Giffin and it carried unanimously. The meeting was adjourned at 11:17 a.m.