



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



DANIEL EICHINGER
DIRECTOR

SUBMITTED: June 18, 2021

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Restrict Beach Access Under Certain Conditions
Land Use Order of the Director Amendment No. 5 of 2021
FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, authorizes the Director to issue orders to implement land use rules.

Discussion and Background:

Surrounded by Great Lakes, Michigan is host to many seeking to enjoy the water. However, with rip currents and breaking waves, the beauty of Michigan's Great Lakes can be deceiving and hazardous to swimmers.

The Department is responsible for the management and operation of a number of facilities that provide water access and beach opportunities across the state. As part of the management and operation of these facilities, staff work to implement safety measures, such as buoyed swimming areas, flag warning systems, throw rings and vast amounts of education on water safety. Even with those measures, accidents and drownings continue to occur each year.

Recently, safety rescues at Great Lake beaches have occurred at times when the "Red Flag" is flying indicating that wave height is 3-5 feet, or higher, lake conditions are high risk and dangerous. Meaning people are not adhering to the water safety measures and education provided by the Department and are still entering the water. Even more alarming is the observations of people entering the water during these dangerous conditions while a water rescue is occurring.

Since Commissioned Park and Recreation Officers' authority is land based, meaning enforcement is not possible once a person enters the water, this proposed land use order preventing individuals from exiting a state managed beach area when entry is prohibited would provide another tool to staff for ensuring the health, safety and welfare of visitors and guests.

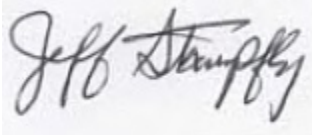
Relevant Divisions have contributed to the preparation of this order. This order was submitted for information on July 15, 2021, at the Natural Resources Commission meeting. This item appeared on the Department's June calendar and may be eligible for approval on August 12, 2021.



Jared Duquette, Chief
Wildlife Division



Gary Hagler, Chief
Law Enforcement Division



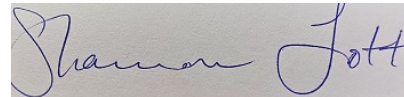
Jeff Stampfly, Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



James Dexter, Chief
Fisheries Division



Shannon Lott
Natural Resources Deputy

LAND USE ORDERS OF THE DIRECTOR

Amendment No. 5 of 2021

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, 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:

5.1 State parks and recreation areas, certain conduct prohibited.

Order 5.1 A person shall not do any of the following in any SP or RA:

(1) Have more than 1 horse for each registered camper at any designated horsemen's campground without first obtaining proper written permission from the department.

(2) Enter, use or occupy a designated mountain bike trail when posted closed except with written permission from an authorized representative of the department.

(3) Operate an electric bike in conflict with MCL 324.72105.

(4) Use, in any way, a sky lantern.

(a) "Sky lantern" means an unmanned hot air balloon made of paper or other lightweight material that is launched into the atmosphere and has a flame inside the balloon.

(5) Operate an unmanned aircraft in conflict with the unmanned aircraft system act (PA 436 of 2016), and as follows:

(a) In a manner that knowingly and intentionally interferes with department employees and their designees performing official duties.

(b) In a manner that interferes with department staff when conducting search and rescues.

(c) Within 100 yards of a cultural or historical site or structure.

(d) Upon or over the viewing platform at Tahquamenon falls.

(e) Over an occupied beach area.

(f) Over an equestrian facility.

(g) Over a campground.

(h) Over a restroom or open-air changing court.

(i) Over an area subject to an aerial right-of-way.

(j) For a commercial purpose without first obtaining written permission from an authorized representative of the department.

(6) Exit the state managed beach area for the purpose of entry into the water when entry is prohibited by signage and/or communication by a department employee or their designee.

This order shall be posted on or after the 12th day of August 2021.

Issued on this 12th day of August 2021.

Daniel Eichinger
Director