



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



DANIEL EICHINGER
DIRECTOR

SUBMITTED: April 18, 2022

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Boating Access Sites and Harbors Uses
Land Use Order of the Director Amendment No. 5 of 2022
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:

Periodically, the Parks and Recreation Division reviews its Land Use Orders to determine whether any updates are necessary due to operational needs, statutes and/or clarifications to existing Land Use Orders. This proposed Land Use Order of the Director is a result of such efforts.

Proposed to be addressed in the Land Use Order is clarification on operational requirements relating to current access sites and harbors managed by the Parks and Recreation Division. Specifically, this Order reflects the following:

- Acquisition of the Union Lake South Boating Access Site and the allowed and prohibited activities at this site;
- The proposed requirement at the Lexington Boating Access site for vehicle and trailer parking on Saturdays, Sundays and holiday; and
- The prohibition of dogs at Bolles Harbor Boating Access Site unless it is under immediate control on a leash not exceeding 6 feet in length and the required removal of any fecal material. This Land Use Order also allows for fishing activities to occur at Bolles Harbor Boating Access Site.

This proposed Land Use Order also provides clarification on operational issues relating the prohibition of electric skateboard use at boating access facilities, which is currently prohibited by statute, but does not provide any mechanism for enforcement by Commissioned Park Officers. Inclusion of this prohibition in this Land Use Order would allow for a maximum penalty of a civil infraction and up to a \$500 fine; however, education and voluntary compliance typically resolve any issue.

Additionally, the proposed Land Use Order clarifies that launching of an unmanned aircraft from state managed lands and conducting any activity within subsection 2.103(g) would not be an allowed use. Since Commissioned Park Officer's authority is land based, once an unmanned aircraft has launched enforcement of any activity identified in subsection 2.103(g) has been

difficult. Therefore, by providing clarification regarding a land-based offense is believed to provide better enforcement capabilities.

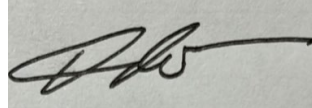
Finally, the proposed Land Use Order provides clarification of Administrative Rule 299.922(dd), which makes it an offense to use state land for a commercial purpose without securing the required permit.

Again, while enforcement is typically sought first through education and voluntary compliance, establishing these operational incompatible activities in a Land Use Order provides necessary authority for ceasing these unwanted activities.

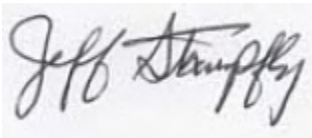
Relevant Divisions have contributed to the preparation of this order. This order is being submitted for information and consideration. This item will appear on the Department's May 3, 2022 calendar and may be eligible for approval on June 9, 2022.



Jared Duquette, Chief
Wildlife Division



David Shaw, Chief
Law Enforcement Division



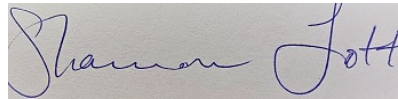
Jeff Stampfly, Chief
Forest Resources Division



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 2022

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:

2.103 Entry, use and occupancy of certain access sites, harbors and dams, prohibited conduct.

Order 2.103 (1) A person shall not do any of the following:

(a) Enter, use, or occupy any of the following state-owned lands with a motor vehicle unless a valid Michigan recreation passport for a motor vehicle has been purchased and affixed to the vehicle when posted against such use.

(b) Enter, use, or occupy the Crystal lake boating access site 10-066 to access the Betsie valley trail (in accordance with 19th Judicial Circuit Consent Judgment, No. 04-7095-CE and Special Trail Use and Law Enforcement Plan No. 88-3199-CH), section 22, T26N R16W, Benzie county.

(c) Enter, use, or occupy a state-operated public boating access site with an ORV except to set, place, erect, or use a fishing shanty consistent with fisheries order 251.17, or to access a waterbody to operate an ORV on the frozen surface of public waters. 5.1 State parks and recreation areas, certain conduct prohibited.

(d) Operate **either of the following:**

(i) **An electric bike in conflict with ~~mcl~~MCL 324.72105** at a state-operated public boating access site or harbor.

(ii) An electric skateboard in conflict with MCL 257.660.

(e) Use, in any way, a sky lantern at a state-operated public boating access site or harbor.

(i) "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.

(f) Launch an unmanned aircraft from state managed LANDS in conflict with 2.103(Gg).

(g) Operate an unmanned aircraft in conflict with the unmanned aircraft system act (PA 436 of 2016), and as follows at a state-operated public boating access site or harbor.

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

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

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

(iv) Over an occupied beach area.

(v) Over an equestrian facility.

(vi) Over a campsite.

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

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

(ix) For a commercial purpose without first obtaining written permission from an authorized representative of the department, **pursuant to administrative rule 299.922(dd)**.

2.105 Unattended vessel, vessel on trailer, unattached trailer or anchored vessel, conduct prohibited.

Order 2.105 A person shall not do any of the following:

(1) Leave unattended, a vessel, a vessel on a trailer, a trailer unattached to a vehicle, or a vessel anchored to the adjacent bottomlands of any of the following state-owned lands:

- (a) Harrisville boating access site 1-7, section 12, T26N R9E, Alcona county.
- (b) Benton harbor boating access site 11-12, section 24, T4S R14W, Berrien county.
- (c) Marble lake boating access site 12-3, section 28, T6S R5W, Branch county.
- (d) Lake Margrethe boating access site 20-34, section 8, T26N, R4W, Crawford county.
- (e) Lobdell lake boating access site 25-1, section 35, T5N R5E, Genesee county.
- (f) Lake Fenton boating access site 25-2, section 14, T5N R6E, Genesee county.
- (g) Lake Ponemah boating access site 25-3, section 22, T5N R6E, Genesee county.
- (h) Port austin boating access site 32-12, section 30, T19N R12E, Huron county.
- (i) Au Sable river mouth boating access site 35-1, section 10, T23N R9E, Iosco county.
- (j) East Tawas boating access site 35-13, section 29, T22N R8E, Iosco county.
- (k) Lake Nepessing boating access site 44-1, T7N R9E, Lapeer county.
- (l) Harley Ensign memorial boating access site 50-1, section 15, T2N R14E, Macomb county.
- (m) Selfridge boating access site 50-3, section 5, T2N R14E, Macomb county.
- (n) Clinton river cutoff boating access site 50-7, section 30, T2N R14E, Macomb county.
- (o) Halfway creek boating access site 58-6, section 33, T8S R8E, Monroe county.
- (p) Bolles harbor boating access site 58-10, private claim 75, Monroe county.
- (q) Orchard lake boating access site 63-1, section 14, T2N R9E, Oakland county.
- (r) Union lake **south** boating access site 63-~~244~~, section 1, T2N R8E, Oakland county.
- (s) Oakland lake boating access site 63-3, section 2, T3N R9E, Oakland county.
- (t) Tackles drive boating access site 63-4, section 13, T3N R8E, Oakland county.
- (u) White lake boating access site 63-6, section 13, T3N R7E, Oakland county.
- (v) Lake Orion boating access site 63-7, section 2, T4N R10E, Oakland county.
- (w) Big lake boating access site 63-8, section 28, T4N R8E, Oakland county.
- (x) Long lake boating access site 63-9, section 1, T2N R8E, Oakland county.
- (y) Crescent lake boating access site 63-11, section 21, T3N R9E, Oakland county.
- (z) Loon lake boating access site 63-12, section 11, T3N R9E, Oakland county.

- (aa) Squaw lake boating access site 63-13, section 29, T5N R10E, Oakland county.
- (bb) Lakeville lake boating access site 63-14, section 27, T5N R11E, Oakland county.
- (cc) Maceday lake boating access site 63-16, section 7, T3N R9E, Oakland county.
- (dd) Cedar Island lake boating access site 63-17, section 27, T3N R8E, Oakland county.
- (ee) Tipsico lake boating access site 63-18, section 30, T4N R7E, Oakland county.
- (ff) West Houghton lake boating access site 72-3, Roscommon county.
- (gg) West Higgins lake boating access site 72-5, Roscommon county.
- (hh) North channel boating access site 74-1, section 9, T2N R16E, St. Clair county.
- (ii) Deckers landing boating access site 74-3, section 3, T2N R15E, St. Clair county.
- (jj) Marine city boating access site 74-18, section 12, T3N R16E, St. Clair county.
- (kk) Fairhaven boating access site 74-2, section 23, T3N R15E, St. Clair county.
- (ll) Lexington boating access site 76-4, section 31, T10N R17E, Sanilac county.
- (mm) Portage lake boating access site 81-20, section 1, T1S R4E, Washtenaw county.
- (nn) Belleville lake boating access site 82-3, section 22, T3S R8E, Wayne county.
- (oo) Belleville lake west boating access site 82-9, section 19, T3S R8E, Wayne county.

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 **south** boating access site 63-~~244~~, 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 **south** boating access site 63-~~244~~, section 1, T2N R8E, Oakland county.

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

(10) 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.

2.108 Possession of dogs, removal of pet fecal material at certain access sites and harbors, prohibited conduct.

Order 2.108 A person shall not do any of the following on any of the following state-owned lands and within the dates listed below.

(1) Locations that are open to early goose season shall be exempt from this order during the inclusive dates of the early goose season.

(2) Possess a dog from May 1 through September 14 on any of the following state-owned lands:

(a) Green lake boating access site 3-4, section 10, T4N R11W, Allegan county.

(b) Lake Sixteen boating access site 3-9, section 16, T2N R11W, Allegan county.

(c) Diamond lake boating access site 14-6, section 6, T07S, 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.

(g) Sherman lake boating access site 39-2, section 29, T1S R9W, Kalamazoo county.

(h) Eagle lake boating access site 39-6, section 9, T3S R12W, Kalamazoo county.

(i) Austin lake boating access site 39-14, section 26, T3S R11W, Kalamazoo county.

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

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

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

(m) Union lake **south** boating access site 63-~~244~~, section 1, T2N R8E, Oakland county.

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

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

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

- (q) Lake Orion boating access site 63-7, section 2, T4N R10E, Oakland county.
- (r) Big lake boating access site 63-8, section 28, T4N R8E, Oakland county.
- (s) Long lake boating access site 63-9, section 1, T2N R8E, Oakland county.
- (t) Crescent lake boating access site 63-11, section 21, T3N R9E, Oakland county.
- (u) Loon lake boating access site 63-12, section 11, T3N R9E, Oakland county.
- (v) Squaw lake boating access site 63-13, section 29, T5N R10E, Oakland county.
- (w) Lakeville lake boating access site 63-14, section 27, T5N R11E, Oakland county.
- (x) Maceday lake boating access site 63-16, section 7, T3N R9E, Oakland county.
- (y) Cedar island lake boating access site 63-17, section 27, T3N R8E, Oakland county.
- (z) Tipsico lake boating access site 63-18, section 30, T4N R7E, Oakland county.
- (aa) Lake St. Helen boating access site 72-14, section 21, T23N R1W, Roscommon county.
- (bb) Clear lake boating access site 75-4, section 17, T6S R12W, St. Joseph county.
- (cc) Van Auken boating access site 80-7, section 33, T2S R16W, Van Buren county.
- (dd) Three Mile lake boating access site 80-8, section 21, T3S R14W, Van Buren county.
- (ee) Lake Cora boating access site 80-10, section 18, T3S R14W, Van Buren county.

(3) Possess a dog, unless it is under immediate control on a leash not exceeding 6 feet in length, and shall not fail to remove any fecal material resulting from the dog, on any of the following state-owned lands:

- (a) Au Gres mooring facility, Arenac county.
- (b) De Tour mooring facility, Chippewa county.
- (c) Whitefish Point, Chippewa county.
- (d) Port Austin mooring facility, Huron county.
- (e) Port Austin boating access site 32-12, section 30, T19N R12E, Huron county
- (f) East Tawas mooring facility, Iosco county.
- (g) Copper Harbor mooring facility, Keweenaw county.
- (h) Eagle Harbor mooring facility, Keweenaw county.
- (i) Lac La Belle mooring facility, Keweenaw county.
- (j) Little lake mooring facility, Luce county.
- (k) Mackinac Island mooring facility, Mackinac county.
- (l) Harley Ensign memorial boating access site 50-1, section 15, T2N R14E, Macomb county.
- (m) Selfridge boating access site 50-3, section 5, T2N R14E, Macomb county.
- (n) Hammond bay mooring facility, Presque isle county.

- (o) Presque isle harbor mooring facility, Presque isle county.
- (p) Marine city boating access site 74-18, section 12, T3N R16E, St. Clair county.
- (q) Lexington mooring facility, Sanilac county.
- (r) Lexington boating access site 76-4, section 31, T10N R17E, Sanilac county.
- (s) North Channel boating access site 74-1, St. Clair county.
- (t) Fairhaven boating access site 74-2, St. Clair county
- (u) Deckers Landing boating access site 74-3, St. Clair county
- (v) Bolles Harbor boating access site 58-10, private claim 75, Monroe county.**

~~2.112 Fishing on the premises, prohibited conduct.~~

~~Order 2.112. A person shall not fish on the premises at:~~

~~(1) Bolles harbor boating access site 58-10, private claim 75, Monroe county.~~

This order shall be posted on or after the 10th day of June 2022.

Issued on this 9th day of June 2022.

Daniel Eichinger
Director