

Meeting Minutes of the Meeting of
Michigan State Waterways Commission
February 13, 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 10:16 a.m. on Friday, February 13, 2009, at the Country Inn and Suites by Carlson, Lansing, Michigan. The following Commissioners were present:

Bob Brown
Mike Bryanton
Curtis Hertel, Sr.
Janet Mansfield

Commissioners Denny Bailey and Carol Oakley were excused.

Moment of Silence in Honor of Waterways Commissioner Judge Robert E. Weiss

Chairperson Bob Brown initiated a moment of silence to begin the meeting in memory of Waterways Commissioner Judge Robert E. Weiss. Judge Weiss passed away on January 7, 2009.

Public Appearances:

Written Correspondence

The Commission accepted a letter from Ms. Mari Crow regarding Grand Marais Harbor in Alger County. A response will be prepared to Ms. Crow's letter.

Appearances (Non-agenda Items)

Mr. Stephen Hume was present to speak to the Commission regarding Grayhaven. Mr. Jason Fleming provided an update. This could not be discussed previously due to pending litigation. Issues regarding the two pieces of property across the canal have been resolved with the homeowners. An easement is in place for the mouth of the canal. The Department of Attorney General (DAG) has asked the Department of Natural Resources to work with the City of Detroit on a settlement. Mr. Fleming has been working with Ms. Alicia Minter, Deputy Director of the Recreation Department for the City of Detroit to resolve issues prior to the next meeting with the judge on March 26, 2009.

Mr. Mike Arens of the Huron-Clinton Metroparks Authority expressed appreciation to the Commission for support of the issuance of a grant agreement for the South Marina renovation project at Metro Beach. Metroparks staff is looking forward to working with the Waterways Commission and staff on the development of the project.

Appearances (Agenda Items)

Ms. Debbie Mikula, Director of Howell Parks and Recreation, was present to discuss a fee structure variance request for the City of Howell's boat launch.

Mr. Fleming stated that staff recommended denial of the request based on the Waterways funding stipulation that requires equal and reasonable fees for residents and non-residents. There may be other opportunities through the Michigan Natural Resources Trust Fund, which allows fee rates to be up to double the amount for non-residents, as compared to residents.

Mayor Beach Hall of Rogers City was present to thank the Commission and staff for listening to the Rogers City request, which is on today's agenda.

Mr. Fleming stated that the Rogers City request was approved through 2012, so no further action is needed.

Minutes

December 12, 2008

MOTION: Commissioner Janet Mansfield moved to approve the minutes of the December 12, 2008 Waterways Commission meeting. The motion was seconded by Commissioner Mike Bryanton and carried unanimously.

Old Business

Project Status Report

Mr. Bill Boik provided an update as follows:

- In regard to the Crystal Lake boat launch (Benzie County), the lake association has filed a formal appeal to the Circuit Court. Department staff is still following through on this item.
- The project at DeTour (Chippewa County) has run into issues with the local power company regarding a transformer. Depending on the location, this may cost the Department \$250,000 to \$500,000 and require a change to the design. Department staff will work to keep project costs down.
- The Eight Point Lake (Clare County) project is going through engineering and has encountered water management issues because of organic matter. Due to current topography, storm water will go to the neighbors' property, which means additional work must be done to retain it on

Department property. The design should be complete by next Friday and work will proceed this summer.

- The project at Port Austin (Huron County) is in engineering and is in the budget for 2010 for \$2,500,000 (for a total of \$3,000,000). Staff hopes to get good numbers; however this could be off due to the economy. Former Senator Pridnia and his wife, Lisa were present in support of Port Austin.
- With regard to Alanson Lock (Emmet County), the U. S. Army Corps of Engineers (USACE) is close to awarding the contract for repair of the Lock.
- In the packet for this meeting, the Commission was provided with an Executive Summary of the John Glenn Great Lakes Basin Program. This was produced by the USACE last December. A full copy is available and will be provided to Commissioners at their request. The report shows the importance of recreational boating.
- Mr. Boik has been working with the International Joint Commission on the Upper Great Lakes. There are two studies underway: The St. Clair River Study and the review of the Lake Superior Regulations. The St. Clair River work is winding down and a report will be released soon. One finding is that the portion near the entrance to Lake Huron is not eroding away, but further down between that location and Lake St. Clair, there is an amount of erosion due to an ice blockage in 1981. The blockage scoured the area. One problem is that survey technology is advanced, but the older data is not as reliable. Determinations will be made regarding flows when the final report is out. The Lake Superior Study (on water levels) affects all of the Great Lakes.

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

Harbors:

- The project at Straits State Harbor (Cheboygan County) is ongoing and includes a harbormaster building, parking lot construction, utilities, wind turbines, and site improvements. Vibration dampening measures will be installed for the thirty foot light poles. Eight of the wind turbines were energized recently. The site average wind speed is 14 miles per hour. In testing, the turbines have run to generate 38 kilowatts of power in 4 hours. The turbines should provide 80% of the power for summer usage and 40% for winter usage (ice suppression is the big draw).
- The Leland Township Marina (Leelanau County) project includes a new harbormaster building, parking lot improvement, utilities, dock replacements, and fuel facility improvements. The proposed location for the fuel docks is not acceptable to the Department of Environmental Quality; however staff is working to resolve that issue.
- The project at White Lake Municipal Marina (Muskegon County) consists of dock repair, additional revetment (rip rap), and new railing.

- The Grand Haven Municipal Marina (Ottawa County) is undergoing a summer use project and just executed the second phase to include floating docks.
- Elmwood Township (Leelanau County) received a grant for the third pier installation. This includes the gangway; spring piles; and utilities, which will be connected in the spring. The project has a June completion date.
- The Port Austin (Huron County) project is in final engineering for the parking lot. This includes lowering the drive, site electrical, and drainage improvements. There is some old year funding with additional money in 2010. The Department of Management and Budget project director is obtaining consultant proposals for additional work (docks, dock utilities, and breakwater pass-through).

Mr. Jordan Byelich provided an update on boating access sites as follows:

Boating Access Sites (BAS):

- At the December 12, 2008 Waterways Commission meeting, it was mentioned that the property purchase was complete for the project at Union Lake (Oakland County). The purchase was not complete then; however, it has been since.
- The project at Stonington-Farmers Dock BAS (Delta County) includes blasting of bedrock and dredging with removal of rock. There is no other access on that point. The project will bid out in the next couple of weeks with construction occurring this spring.
- A slide of 2009 State BAS improvements was shown. Most of the projects are paving with others in process. Many of the projects will be completed with Federal dollars. Those utilizing Sportfish funding will be 75% Federal and 25% Waterways. The others will be 50% Federal and 50% Waterways.

Operations Status Report

Mr. Harold Herta provided an update on operations as follows:

- With regard to the Central Reservation System (CRS), slip nights are down 5.8%. It is still early in the season and gas prices are better than last summer, so this may improve.
- The CRS will be closing for a one-week period in March (March 7 to 14, 2009) due to upgrades. Staff is doing everything possible to notify customers of this closure (including a press release and notification on the Website). The CRS will start up again at 9 a.m. on March 14, 2009.
- Staff is moving as many marinas as possible to DSL as it works better than satellite transmission, which is affected by fog.

- Due to the public interest expressed regarding recent acquisitions (including the Eight Point Lake property), staff has drafted a Site Acquisition Policy. This will allow public interaction to occur earlier in the process. Staff are now working on a companion policy for major redevelopment in an attempt to promote transparency and keep the public involved and informed.
- Audits of Grant-in-Aid facilities are continuing. Small items have been found; however, there are no material findings so far. When all the audits are completed, a final report will be provided to the Commission
- Legislation is occurring as follows: A bill has been reintroduced to further define authorized expenditures for the Waterways Fund. It goes to great lengths to define authorized expenditures and the Department will endorse the bill as it provides clarification of how the money should be spent.
- Another bill has been introduced to require gas wholesalers to provide non-ethanol mixed fuel for marine operations. The Department will most likely support this legislation.
- Department staff is working with the existing individuals running the Portage Restaurant at Presque Isle. A best and final offer with a long-term (5-year with a possible extension) lease format has been extended to them. Another one-year extension was not in anyone's best interest. A draft lease has been prepared with very clear expectations of both parties. Staff has not received anything in writing from them, but the parties will meet next Wednesday in Cheboygan and hope to have a final determination at the next Waterways Commission meeting.

Standing Committee reports

There were no Standing Committee reports.

New Business

Financing Plan for Alanson Lock

Mr. Ron Olson stated that additional community meetings will occur when people return to the Crooked Lake are. At this point, there is no recommendation for fee increases and he will report back mid-summer.

Work Plan

The work plan will continue to be discussed to keep longer range items on the radar. One large piece of this is the Strategic Plan and a summit with meeting with MBIA will occur after the Detroit Boat Show.

CONSENT AGENDA

MOTION: Commissioner Mike Bryanton moved to approval all items except for items F (Howell) and G (Rogers City), which will be pulled for further discussion. The motion was seconded by Commissioner Curtis Hertel and it carried unanimously. This motion includes the following items:

2009-2019 Strategic Plan

Straits State Harbor

Michigan Small Harbors Coalition

Updates to the Boating Chapter of the DNR Land Use Orders of the Director

City of Ludington Variance Request

New Business Items to be Discussed Separately:

City of Howell Variance Request

Mr. Fleming stated that the Department has been instructed by the DAG that equal and reasonable fees (no difference for residents and non-residents) must be enforced. The City's daily rate is the same for everyone, so this is a strictly seasonal issue and applies primarily to parking.

MOTION: Commissioner Bryanton moved to table this resolution and asked Department staff to work with the City of Howell to resolve this issue in a win-win fashion and report back at the next Waterways Commission meeting (April 17, 2009). The motion to table was seconded by Commissioner Mansfield and it carried unanimously.

City of Rogers City Variance Request

No action was required for this request.

OTHER BUSINESS

MOTION: Commissioner Hertel 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 11:19 a.m.

The next meeting of the Michigan State Waterways Commission is scheduled for Friday, April 17, 2009, in the Lansing area.

RESOLUTION TO RECOMMEND APPROVAL OF THE “SUSTAINING 90 YEARS OF EXCELLENCE – 2009-2019 STRATEGIC PLAN”

Whereas, the Department of Natural Resources’ Parks and Recreation Division has completed a new ten-year strategic plan for the Parks and Recreation Division to address overall management and planning of state parks, recreation areas, linear parks, scenic sites, harbors, recreational locks, and boating access sites; and

Whereas, the planning process to develop this plan reflects sensitivity to natural resource values, historic and cultural resource values, recreation and education opportunities, and is inclusive of all Department of Natural Resources programs and representative of eco-management; and

Whereas, the planning process was further inclusive of extensive stakeholder, constituent, and public input, including key user groups; and

Whereas, the Strategic Plan represents sound guidance for future planning and program management that will be consistent with the mission of the Department of Natural Resources and the Parks and Recreation Division, and reflective of the valued input of the public, including partners, stakeholders, and key user groups; and

Whereas, the Strategic Plan recognizes the need for the Parks and Recreation Division to provide leadership in promoting conservation, education and outdoor recreation for the rich diversity of Michigan’s population; and

Whereas, the Strategic Plan institutes for the Parks and Recreation Division a dynamic process of focused planning and program management that will lead to targeted efforts to meet our mission objectives while proactively meeting the needs of the public.

BE IT RESOLVED, that the Michigan State Waterways Commission approves the “SUSTAINING 90 YEARS OF EXCELLENCE – 2009-2019 STRATEGIC PLAN;” and

BE IT FURTHER RESOLVED, that the Michigan State Waterways Commission further recommends that the Director of the Department of Natural Resources approve the “SUSTAINING 90 YEARS OF EXCELLENCE – 2009-2019 STRATEGIC PLAN;” and

BE IT FURTHER RESOLVED, that upon Director approval, and by the end of each fiscal year, the Parks and Recreation Division will assess and incorporate appropriate public comment and input into this plan, keeping it dynamic and responsive to public and stakeholder input; and

BE IT FURTHER RESOLVED, that upon Director approval, the Parks and Recreation Division will initiate the Strategic Plan, the recommended Annual Work Plans, and the Plan Use, Monitoring, and Update provisions incorporated therein.

Submitted by: Ron Olson, Chief, Parks and Recreation Division

Date: Friday, February 13, 2009

RESOLUTION FOR NAMING
THE NEW FACILITY IN MACKINAW CITY AS
STRAITS STATE HARBOR

Whereas, the Department is set to open the 17th active State Harbor in Mackinaw City beginning in the 2009 season, and;

Whereas, staff is recommending the name of "Straits State Harbor" for the new facility, and;

Whereas, staff believes the term "Straits" embodies the entire region and signifies the historical significance the ferry dock represented as a link between the two peninsulas, and;

Whereas, staff also believes the name of "Straits State Harbor" would separate itself between two existing facilities, Mackinaw Municipal Marina and Mackinac Island State Dock and alleviate possible public confusion.

THEREFORE BE IT RESOLVED, that the Michigan State Waterways Commission approves the name of Straits State Harbor for the new facility in Mackinaw City.

Submitted by: Ron Olson, Chief, Parks and Recreation Division

Date: Friday, February 13, 2009

RESOLUTION OF SUPPORT FOR THE
MICHIGAN SMALL HARBORS COALITION

Whereas, the Michigan Small Harbors Coalition has presented information to the Michigan State Waterways Commission regarding their concerns for adequate maintenance of shallow draft Michigan harbors, and;

Whereas, there are more than 50 federally authorized small Great Lakes harbors in Michigan, and;

Whereas, the federal government is responsible for maintaining boating access to these harbors through adequate dredging and maintenance of navigation routes, and;

Whereas, small harbors are considered valuable assets as ports of refuge during inclement weather, ports for public safety and law enforcement vessels, ports for commercial and public recreational watercraft, ports for research vessels, and;

Whereas, many of the 50 federally authorized small harbors in Michigan require regular maintenance because of natural sedimentation, low water levels, storm events, and littoral drift, among other factors, and;

Whereas, current federal policy inhibits the U.S. Army Corps of Engineers from allocating funds for the maintenance of small harbors in its operation and maintenance budget for the Great Lakes, thus forcing these harbors to seek Congressional assistance in the form of earmarks to secure these funds for maintenance, and;

Whereas, the inefficiencies of this processes has resulted in maintenance backlogs that have, at times, hindered or inhibited access to Michigan's small harbors, causing significant economic loss and increased risk to human health and safety, and;

Whereas, the Michigan State Waterways Program supports the development of many State and Grant-in-Aid facilities requiring access through these navigation areas, and;

Whereas, small harbors in Michigan have historically not had an organization through which to unite and speak with one voice to address concerns about maintaining these navigational areas.

THEREFORE BE IT RESOLVED, that the Michigan State Waterways Commission supports and commits to being a member of the Michigan Small Harbors Coalition; and

BE IT ALSO RESOLVED, that the Michigan State Waterways Commission urges the Michigan Small Harbors Coalition to advocate for a more equitable and sustainable system to allocate funds for adequate maintenance for Great Lake harbors in Michigan;

Submitted by: Ron Olson, Chief, Parks and Recreation Division

Date: Friday, February 13, 2009

RESOLUTION TO ACCEPT
CHANGES TO LAND USE ORDERS OF THE DIRECTOR,
CHAPTER II, HARBORS AND PUBLIC ACCESS SITES

Whereas, the Director, under the authority of Natural Resource Protection Act No. 451 of 1994 has the ability to establish specific rules to address certain behaviors and activities for Department lands, and;

Whereas, updates to Chapter II of the Land Use Orders of the Director pertain to harbors and public access sites were approved by the Commission in August, and;

Whereas, since the August meeting, the Department has made a few modifications to allow the addition of fee sites after it was determined at the end of the season the need to address on-site control measures at select facilities, and;

Whereas, the Department has determined the need to establish control of these facilities which allows for the charging of a fee in accordance to P.A. 451 MCL 324.78105 Powers and duties of department, and;

Whereas, staff recommends approving the modified version of Land Use Orders of the Director Chapter II and to proceed to the Natural Resource Commission for establishment;

THEREFORE BE IT RESOLVED, that the Michigan State Waterways Commission approves the changes to Land Use Orders of the Director, Chapter II, Harbors and Public Access Sites.

Submitted by: Ron Olson, Chief, Parks and Recreation Division

Date: Friday, February 13, 2009

RESOLUTION TO DENY REQUEST FOR
ADDITIONAL SEASONAL SLIPS AT
LUDINGTON MUNICIPAL MARINA

Whereas, the City of Ludington is in the process of establishing a construction agreement with the State of Michigan for purposes of constructing new dock facilities at Ludington Municipal Marina , and;

Whereas, the upgrades of the facility will increase the numbers of total slips from 150 to 180, and;

Whereas, the City has requested to increase the number of seasonal slips at the re-constructed facility to equal their current 50% allotment, and;

Whereas, the Department has not yet entered into an agreement with the City for the construction of the facilities, and;

Whereas, all agreements with the Department are written for the purpose of 100% transient slip allocation and all seasonal use is subject to Department approval, even for renovated marinas where existing seasonal slips are located, and;

Whereas, staff believes that until there is a signed agreement, the Department should not approve of any variance until there is documentation to base the approval upon, and;

Whereas, staff has requested the City re-introduce this variance request once the project has been approved and construction of facilities is underway and recommends denying the request until such point in time is reached;

THEREFORE BE IT RESOLVED, that the Michigan State Waterways Commission denies the request by the City to add additional seasonal slips before there is a signed agreement with the State of Michigan concerning the construction of the facilities.

Submitted by: Ron Olson, Chief, Parks and Recreation Division

Date: Friday, February 13, 2009