

**Minutes of the
Michigan State Waterways Commission
July 12, 2013 - Special Meeting**

The special meeting of the Michigan State Waterways Commission (Commission) was called to order by Chairperson Gary Marowske at 9:00 a.m. on Friday, July 12, 2013 at the Lansing Community College Conference Center, Lansing, Michigan. The following Commissioners participated:

Commissioner Gary Marowske, Chairperson
Commissioner Al Declercq, Secretary (via phone)
Commissioner Dennis Grinold
Commissioner Ward Walstrom (via phone)
Commissioner Nicki Polan
Special Consultant R.J. Peterson

The Department of Natural Resources (DNR), Parks and Recreation Division (PRD) liaisons were also present.

Chairperson Marowske informed the audience that there will be an opportunity for the public to speak for three minutes each, and stated that this was a special meeting just on Eagle Lake.

Ron Olson, Chief of DNR Parks and Recreation Division, introduced Paul Yauk, PRD Land Program Manager; Rollie Johnson, PRD District Supervisor in the Plainwell District; and Jordan Byelich, PRD, State Waterways Development Program Manager; Steve Sutton, Real Estate Section; Rob Corbett, Real Estate Section; and Sarah LeSage, Department of Environmental Quality (DEQ) Aquatic Invasive Species program coordinator for the state. Mr. Olson stated that members of the Michigan State Waterways Commission are appointed by the Governor, and by its creation are there to serve in an advisory role to the DNR for waterways (boating) programs in the state.

A DNR PowerPoint presentation was given as an overview of the proposed boating access site on Eagle Lake. *Note*, this PowerPoint can be found on the Michigan.gov/boating website. The question has been asked, “why does the DNR buy property for boating access sites?” **Paul Yauk** responded that the public has the right to access public waters in the state of Michigan. The PRD learned about the proposed Eagle Lake site from the DNR Fisheries Division. This property is approximately 9.62 acres, and Eagle Lake offers a variety of water activities such as canoeing, kayaking, fishing, and recreational boating. This parcel is located in the Southwest corner of Michigan, in Ontwa Township, Cass County. Funds to buy this property would come from the Michigan Natural Resources Trust Fund. The DNR follows Public Act 210, which has very strict time frames. The County and Township are first given the option to see if they would like to purchase the property or if they would like to pursue a different option. We

will be working with the Cass County Road Commission in regard to the road and site relationship. A park facility falls within the zoning requirements. Fishing opportunities for children exist through partnership with Fisheries Division. We received a thumbs up from DEQ that this property could be developed into a boating access site. We must adhere to all DEQ permitting requirements to ensure a viable and safe facility, and protect the natural environment. A slide was presented listing all the dates that DNR staff met and will be meeting with local governments and stakeholders.

Sarah LeSage from DEQ spoke about aquatic invasive species. In 2010, the DNR, DEQ and Department of Agriculture put together a grant for the Great Lakes Restoration Initiative to secure federal dollars to move the aquatic invasive species program forward. A state Management Plan was finalized about three weeks ago, which contains a wide variety of strategic actions. There is short term money to start going out and do more things for the public. The Michigan Legislature recognizes that aquatic invasive species is a growing problem. In 2011, an aquatic invasive species advisory council was formed to make recommendations on how to prevent and manage aquatic invasive species. Sarah LeSage states that education and boater behavior is a critical element in helping with the aquatic invasive species situation. It is important for boaters to clean their boat. There is funding in place to deal with early detection rapid response for aquatic invasive species.

PowerPoint presentation (continued): **Jordan Byelich** stated that a boating access site includes a launch ramp, an adequate maneuver area for the vehicle/trailer and adequate parking for the vehicle/trailer. Land is assessed by researching lake information such as size, depth, connectivity to other lakes, wetland presence, size and shape of parcel, fisheries, proximity to public road system, number of registered watercraft in county and region, and other factors. A slide of a draft conceptual plan was shown. Safety is very important, and protection from stormwater runoff would be addressed as well. There may also be a future opportunity to partner with a local group for a boat washing station. **Rollie Johnson**, District Supervisor, said that the current state of the property needs improvement, as conditions are very substandard for the area. This could be a potential for a fee site where a recreation passport would be required. Health, safety and welfare are of high importance. There would be an identified parking area to accommodate an emergency vehicle.

PUBLIC APPEARANCE/COMMENTS (Please note, the handouts presented to the Waterways Commission for the public comment portion can be found on the Michigan.gov/Boating website under Eagle Lake Land Acquisition Process/Additional Information).

Crystal Morgan, an attorney representing Eagle Lake Improvement Lake Association stated that there is a lack of approval by the Township, and no formal approval by the County. The zoning administrator has never made an official determination whether this project would be lawful under the Township's zoning laws. Asks that Commissioners carefully consider the concerns that have been addressed and not feel pressured to

approve this project. Overcrowding, safety issues, water quality. Recommend that the Commission be against the purchase of the property at this time.

Chairperson Marowske asked if we increase law enforcement how would safety be in question? Attorney Morgan said that it is still a concern that there will be overcrowding and safety issues.

Keith Dennis stated that it would be impossible to put a large boat into the water without going onto Eagle Lake Road. Depth is only 30 inches deep near the ramp. No thread line survey for this property has been done. The channel to the chain of lakes is very limited and shallow. Property ownership of the ramp has been in question for decades. More due diligence is necessary. Asking the Commission to delay or deny this project until all issues can be resolved.

Richard Peck provided a handout. Has expertise in parking lot design. Exhibit of early conceptual drawing. Parking space is too small for a 26 ft. boat. Geometrics are very tight. More vehicles, more pollution, stormwater runoff.

Mike Mroczek stated the proposed 40 boat boating access site on Eagle Lake would significantly exceed a safe carrying capacity. Needs further due diligence. **Commissioner Walstrom** asked how they are putting their boat in the water now. Response was they use the "Dock Property."

Brigid Forlenza: Michigan Lakes and Streams Association went on record at the June 21, 2013 Waterways Commission meeting, and requested that the DNR implement a moratorium on all new boating access sites until the funding of aquatic weeds can be funded by all users of Michigan lakes and streams. These costs cannot only be borne by property owners. Risk of lakes and streams in the area of being infested with aquatic species. Provided a handout from the Wisconsin DNR that refutes that wildlife is spreading weeds. Mention of a boat washing station is only a gesture.

Paul Sniadecki provided several handouts. States that the DNR does not have zoning or local government approval. States that there are inconsistencies regarding ownership of existing boat launch and adjacent property.

Margie Allan: Asks that the appropriate due diligence is done. States that stewardship belongs to everyone.

Patty Patzer: resident of Eagle Lake for 25 years and oppose this acquisition. Provided a letter from resident who says he has several concerns about the purchase cost, development, operation, and maintenance.

Karen Curtis states that safety is of the utmost importance. There is a vast increase of people using the lake, and swimmers are unsafe in the water.

Greg Newart stated that he launches a boat at Brady Street, and every spring and fall, the yacht club opens its ramp to boaters for a \$10 fee.

Dave Tarwacki read a letter from John Harsh, a long-time resident, who asks that a decision be delayed pending a comprehensive feasibility study and accurate cost data.

Chairperson Marowske read an e-mail from Commissioner Hansen, who is on vacation, “the waters of this state are for all citizens to have access to the public waters.... I am 100% in favor of the development of this project and believe we should move forward in whatever fashion is necessary.”

Chairperson Marowske stated that in the Resolution there is one sentence that says “the Waterways Program provides funding for the acquisition, design/development...of the boating facilities. The WW Commission will not provide any of the funding for this acquisition. Recommend that if this resolution is accepted, it will be a fee site where there would be regulation by the DNR.

Commissioner Polan stated that the Commissioners have received documents of all of the issues and have a lot of background from both sides on this issue, and asked the DNR staff if anything new has come to light today that had not been addressed? **Mr. Olson** stated that **Steve Sutton** was here from DNR Real Estate regarding the DNR’s process of real estate. **Mr. Sutton** says we engaged a title company to produce a title search for the past 50 years or for whatever period is required to establish marketable title. We asked for a title commitment for the full purchase amount of our offer. We take that information to the Department of Attorney General, who will issue a letter of opinion on title that our closing unit will use to develop closing instructions for the title property. **Mr. Olson** said that we did request an option to extend through October to sort things out, and the bank says we have until August 8, 2013 to act and make an offer, and to close on September 15, 2013. Our goal would be to have better water quality going to the lake than exists today, and have access to public waterways. We are working with the road commission as we do not want to create an unsafe condition for anyone.

MOTION: Commissioner Grinold moved to support Resolution 06-2013-01as amended, and as a fee site, and recommends that we move forward with the acquisition of the property on Eagle Lake, it was seconded by Commissioner Walstrom, and it carried unanimously.

Meeting was adjourned at 10:40 a.m.

The next Waterways Commission meeting is scheduled for Friday, August 23 in the Eastern Upper Peninsula area.

RESOLUTION NO. 06-2013-01

RESOLUTION OF SUPPORT FOR ACQUISITION OF LAND ON EAGLE LAKE, CASS COUNTY, FOR DEVELOPMENT OF A BOATING ACCESS SITE

WHEREAS, the Michigan State Waterways Commission provides advice to the Department on financial and technical issues related to boating facility acquisition, development, and operation;

WHEREAS, the Department provides recommendations to the legislature for the appropriation of funds to the Department under the Waterways Program for the acquisition, development, operation and maintenance of boating facilities;

WHEREAS, the Waterways Program provides funding for the design/development, operation, and maintenance of boating facilities;

WHEREAS, the Waterways Program recommends acquisition of land on Eagle Lake for development of a public boating access site.

BE IT RESOLVED, That the Michigan State Waterways Commission supports the acquisition of land on Eagle Lake in Cass County for development of a boating access fee site using Michigan Natural Resources Trust Fund resources to acquire the site.

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

Date: Friday, June 21, 2013 (Postponed)

Special Meeting July 12, 2013

		<u>Voting</u>
<u>Record:</u>		
Motion by:	Commissioner Grinold	Yea: 5
Motion seconded by:	Commissioner Walstrom	Nay: 0

ADOPTED.