



MICHIGAN WATERFRONT ALLIANCE

NEWSLETTER

August 2006

www.mwai.org

MWA Mission Statement “This corporation is formed to protect, preserve and promote the wise use of inland waters – lakes, streams, rivers, creeks and the waters and bottomlands of the state of Michigan.

Presidents’ Corner

By Bob Frye

Dear MWA Members,

Please see the attached article from Nikki McCord who is our liaison at Scofes and Associates. Our June board of Directors meeting was in Lansing on Capital Avenue at the Scofes and Associates office. We were very impressed with Nikki and former DNR Director Rollie Harms (another MWA Liaison at Scofes & Associates) not only because of their professional presentation, but most of all because of their depth of knowledge of the legislative issues confronting Michigan's Lakes & Streams.

At the meeting we were introduced to and shared lunch with Carol Linteau who is the Legislative Liaison of the DEQ. Carol is a kingpin in advising the Governor on DEQ issues. After extensive discussion, I am convinced Carol is committed to a positive relationship and very willing to help MWA in our efforts to protect Michigan's Inland Lakes and Streams. We shared our many concerns and hopes regarding DEQ operations. One might conclude that the DEQ could do a better job if they had about double their budget.

Looking back on that meeting I believe a strong relationship has been established with our Lobbyist Scofes and Associates. I also believe they have the political clout we have been looking for in Lansing. To learn more about Scofes and Associates please visit their website at:

www.scofesconsulting.com

Things are looking up for your Michigan Waterfront Alliance.

Regards,

Bob Frye
President MWA

Michigan Waterfront Alliance -Legislative Update – August 2006

By Nikki McCord

I am so excited to be working with the Michigan Waterfront Alliance. We have a lot of issues to get to on the legislative front, so I will be brief in my introduction.

My name is Nikki McCord and I am an associate at Scofes & Associates Consulting, Inc in Lansing. I have been with the company for two years and am excited to be working with your organization. At Scofes and Associates, I am responsible for researching any and all legislation that will affect the MWA and bring it to your attention. I also attend the MWA board meetings where I update the board on any and all waterfront issues that are being discussed in Lansing. With that being said, here are the latest developments:

The Legislature is currently on a modified break for the summer. The budget just passed during the month of July and the Legislature is now meeting once per week until the full session begins in September. Some of the bills that I am watching for the MWA include the following:

(Continued on Page 2)

HB 5960 – This bill was introduced by Rep. John Stakoe and would authorize townships to regulate public access sites on inland lakes and streams. Several meetings were scheduled and cancelled before the session break and I will continue to follow this bill's progress

HB 5125 – This bill was signed by the Governor on June 26. The bill, now a law, transfers authority to designate or establish special rules on lakes to the Natural Resources Commission. The bill establishes standards that they Department of Natural Resources must use to make decisions about watercrafts on water. The bill gives more public input in the process and mandates that a local government first present a resolution to the DNR asking for action on a water issue. The DNR must then hold a public meeting, conduct its research, present preliminary findings to the local government, either approves or rejects an ordinance, and then allow for an appeals hearing.

SB 816 & 817 – These bills prohibit tampering with marine safety devices, and dramatically increases penalties if said tampering results in serious injury, impairment or death. The bills were signed by the Governor at the end of June.

Please do not hesitate to contact me if you have questions about any specific issues. I look forward to working closely with you in future.

[Nikki R. McCord](#)

[Scofes & Associates Consulting, Inc.](#)

[Director for Communications and Research](#)

[535 N. Capitol Ave.](#)

[Lansing, MI 48933](#)

GREAT LAKES SHORELINE GROOMING- CURSE OR BLESSING?

By Don Winne

BACKGROUND

Early in the first session of the Michigan 92nd Legislature, House Bill No. 4257 was introduced by 25 members of the House for the purpose of amending Parts 303 and 325 of Act #451, Public Acts of 1994, Natural Resource and Environmental Protection Act. The purpose of the House Bill, was to permit owners of Great Lakes shoreline property permission to groom their beaches.

The Executive Director of Michigan Lake & Stream Associations reported to the ML&SA Board of Directors at its regularly scheduled meeting at Coral Cables (Lansing) on April 3, 2003) that he thought the Bill, if passed into law, would be damaging to the Great Lakes. Board member, Kathy Miller, Vice-president of Region 2 proposed a Resolution to allow Don Winne to offer a position statement opposing House Bill 4257. The motion was seconded by Cecile Kortier and motion carried.

House Bill 4257 was approved by the House by a vote of 64 in favor to 43 opposed on April 10, 2003. The Bill would allow owners of beachfront property on the Great Lakes to maintain their shorelines by manual or mechanized leveling of sand, mowing, and removal of vegetation and grooming of the top 4 inches of soil between the water's edge and the ordinary high water mark without obtaining permits. Similar legislation in the Senate (SB244) is sponsored by Sen. Jim Barcia, Bay City. Low lake levels for several years have exposed far more beach area than normal. Environmental groups have been worried that the legislation would adversely affect the beach environment by hindering native vegetation and normal sand movement. The Granholm administration opposed the Bill. Both Bills were approved by a majority in both houses and approved by the Governor On June 4, 2003, and filed with the Secretary of State on June 5, 2003. These Bills became Act 14 and became effective on June 5, 2003.

PROVISIONS OF ACT 14:

Beach grooming included the following "Beach maintenance activities.... in the area of Great Lakes bottomlands lying below the ordinary high water mark and above the water's edge." The "Ordinary high-water mark" is defined in PART 325, Section 32502 of the GREAT LAKES SUBMERGED

LANDS. and is stated as follows: “For purposes of this part, the ordinary high-water mark shall be at the following elevations above sea level, International Great Lakes Datum of 1955: Lake Superior, 601.5 feet; Lakes Michigan and Huron, 579.8 feet; Lake St. Clair, 574.7 feet; and Lake Erie, 571.6 feet.”

Riparian property owners in Saginaw and Grand Traverse Bay were authorized to remove vegetation from shoreline areas. These activities have been tracked by DEQ to accumulate impact data for a report to the legislature and the Governor by January 1, 2006. Requests from riparian property owners for grooming permits totaled 18 in 2003, 48 in 2004 and 24 in 2005.

DEQ REQUESTS ASSISTANCE FROM UNIVERSITY PROFESSORS

The DEQ requested the assistance of Dr. Thomas Burton, MST.T; Dr Dennis Albert. of the Michigan Natural Features Inventory, MSU Extension; and Dr. Donald G. Uzarski of Grand Valley State University to provide an objective, scientific evaluation of the Impacts of beach maintenance and vegetation removal....The Department entered into an agreement with this research team to carry out agreed upon studies with a focus on Grand Traverse Bay and Saginaw Bay.. The overall goal of studies carried out during the summers of 2004 and 2005 was to explore the impact of wetland fragmentation on the chemical and physical characteristics of the shore, and biological communities (plants, fish, and invertebrates) ...Some sites in Northern Lake Huron were also included in the study to evaluate the impact of wetland fragmentation from other activities,, such as establishment of boat channels through the marshes. A total of 68 sites on Saginaw Bay, 7 sites on Grand Traverse Bay, and 23 sites in northern Lake Huron were evaluated by the research team.

SUMMARY OF RESULTS

1. Removal of vegetation disrupted the normal physical and chemical conditions of the wetlands.
2. Plant diversity is much higher in undisturbed areas with no active management... Plant diversity in previously disturbed sites tends to be low, and non-native or nuisance species, in particular phragmites (common reed) are included in the plants that do occur.
3. Invertebrate animals (both micro and macro) are critical to the overall ecology of the Great Lakes....The conversion of wetland plant areas to open water beaches by raking, disking or other means- -results in very large and statistically significant decreases in the numbers of invertebrates present and also in the diversity of organisms that compose the invertebrate community. The number of Individual organisms collected adjacent to undisturbed beaches was 29 times greater, on the average, than the number collected in raked zones.
4. In summary, it is clear that the impact of vegetation removal on larval fish extends well beyond the point where vegetation has been removed. Fragmentation of the marsh can thus have a very serious impact on fish production in the Great Lakes.

OVERALL CONCLUSIONS AND RECOMMENDATIONS

The observations of DEQ permit staff, and the findings of the research team support the same conclusion - **THE ALTERATION OF VEGETATED AREAS ON THE GREAT LAKES COAST BETWEEN THE ORDINARY HIGH-WATER MARK AND THE WATERS EDGE HAS A SIGNIFICANT ADVERSE IMPACT OF THE ECOLOGY OF THE GREAT LAKES.**

THEREFORE THE DEQ RECOMMENDS:

1. Vegetation removal by a letter from the DEQ DIRECTOR be allowed to sunset on June 5, 2006.
2. Permits for vegetation removal be issued on a case-by-case basis.
- 3.. Issuance of a limited General Permit for removal of vegetation front a 6 foot wide walkway to allow access to open water.
4. That exemptions for beach maintenance activities, including raking, mowing, leveling of sand, and establishment of raised paths continue only until November 1, 2007 as specified in Act 14.
5. Issuance of a new General Permit as of November 2007 to cover certain beach maintenance activities, such as: mowing vegetation twice per season; mechanical leveling of sand in unvegetated beach areas above the current water's edge, maintenance of a temporary path 6 feet wide in bottom width to provide access to open water.
6. An individual permit would be required for other beach maintenance activities, including; grading or leveling of sand that would alter the natural shoreline.

- b. mechanical raking or disking of beach areas that will result in loss of vegetation or degrade habitat quality on the beach or in adjacent waters.
- c. large scale or frequent mowing that would significantly impact vegetation.

(The information source of the above is taken from Report on the Impacts of Beach Maintenance and Removal of Vegetation under Act 14 of 2003, Michigan Department of Environmental Quality, March 2006)



**MICHIGAN
WATERFRONT
ALLIANCE,
ONLY THROUGH YOUR
ACTIVE INVOLVEMENT, IS
YOUR LAKE PROTECTED**

**Your Support
Does
Make a difference!**

MICHIGAN WATERFRONT ALLIANCE
P.O. Box 346, Three Rivers, Michigan 49093
Phone (269) 273-8200 Fax (269)273-2919
Email: mwai@mlswa.org
WEB SITE: www.mwai.org

**Michigan Waterfront Alliance
Board of Directors:**

Officers:

President **Robert Frye** Ph 989-821-6661
Email: skibones@aol.com
Vice President **Richard Brown** Ph 810-629-5964
Email: RLSBrown@prodigy.net
Secretary **Roger Carey** Ph 989-588-9538
Email: mcarey55@earthlink.net
Treasurer **Pearl Bonnell** Ph 989-257-3583
Email: pbonnell@mlswa.org

Directors:

Ed Highfield Ph 231-972-2190
Email: edhelenhighfield@centurytel.net
Del Sipes Ph 269-463-8166
Email: delavan@earthlink.net
William Carey Ph 989-348-5232
Email: wlc@freeway.net
Bill Sharp Ph 517-332-4255
Email: aewbsharp@voyager.net
Pam Tying PH 517-647-2294
Email: tyningP@progressiveae.com

Membership Application



**The minimum annual dues for individual membership In Michigan Waterfront Alliance are \$25.
Commercial and Individual Donations Are Appreciated**

Please Print:

_____ () _____ - _____ () _____ - _____
Last Name First Name Day Phone Evening Phone

_____ City State Zip Code
Street Address

_____ Township Lake or Stream Association if established
County

Make Checks payable to: **Michigan Waterfront Alliance**
Mail to: **MWA, P.O. Box 204**
Long Lake, MI 48743

Aug 2006