



# MICHIGAN WATERFRONT ALLIANCE NEWSLETTER

May 2008

[www.mwai.org](http://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 Michigan Waterfront Alliance Members,

Thank you for your continued support.

Following are a number of issues that are important to your Michigan Lakes and Streams.

**First-** On Tuesday April 29 Lobbyist Steve Scofes reported that he recently had a positive conversation with Senator Bishop regarding road ends and the Attorney Generals Opinion. He said Senator Bishop assured him that the bill is not going to get a hearing. This is good news and gives MWA members good reason to keep writing their Senators and Representatives on this issue.

**Second-** Please note the election of officers and the make up your new MWA Board.

**Third-** Please review the **Updated Lake Association Road End Resolution**. If your Lake or Stream organization has not already done so please adapt this resolution and send copies to your Representative and Senator.

**Fourth -** Note Cliff bloom’s comment on the recent Attorney general Opinion on proposed Road end legislation. This is indeed good news. You can find the complete Opinion at MWAI.org. under “press releases”.

**Fifth-** Please review the MWA Legislation Awareness list. This will give you an idea of just how much water related legislation is it the works.

**Sixth.** It should also be known that the MWA supports HB 5065 - HB 5073 (Great Lakes Water Withdrawal) and we have asked Scofes and Associates to monitor these bills and at the appropriate time actively lobby the house and senate to approve these bills.

**Seventh.** Note the new staff addition at your MWA Lobbyist.

I have found that being in the Lobbyist business is no fun, no glory, very expensive and there are no guaranteed results. I have also found that if you are not represented you have no hope. Your MWA has much less money than it did a year ago and fewer members. We very much need your support.

Sincerely,

**Bob Frye,**  
Michigan Waterfront Alliance, President

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For more information, contact Editor Richard Brown

# Michigan Waterfront Alliance -Legislative Update - May 2008

By Scofes & Associates Consulting, Inc.

## Staff Addition at Lobbyist

I'd like to bring to the attention of all clients of Scofes & Associates Consulting, Inc. that in the beginning of March we added the valuable expertise of Dan Gustafson as a new member of our team. Mr. Gustafson has joined the firm as its Senior Vice President of Government Affairs. Mr. Gustafson had an extremely distinguished career in the Governmental Arena as a State Legislator where he served on the Appropriations, Taxation and Utility Committees. Mr. Gustafson was also appointed by the Governor as the Chairman of the Michigan Liquor Commission, and as the Executive Director of the Michigan Gaming Control Board. As a result of his experience, the clients of Scofes & Associates Consulting, Inc. will benefit immensely. For more information regarding Mr. Gustafson please feel free to visit our website at [www.scofesconsulting.com](http://www.scofesconsulting.com).

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## MWA Legislation Awareness

**SB 0112** - **LAND USE, Other**, Establish land use leadership council. (Patricia Birkholz-R, 01/30/07)  
(Status: 01/30/2007 - SENATE - REFERRED TO NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS)

**SB 0628** - **HEALTH, Code**, Revise the requirement that the owner of a public beach provides access to safety and rescue equipment and clarify that activity is a governmental function. (Ron Jelinek-R, 06/28/07)  
(Status: 10/17/2007 - HOUSE - REFERRED TO TOURISM, OUTDOOR RECREATION AND NATURAL RESOURCES)

**SB 0721** - **WATER, Conservation**, Regulate water withdrawals and water diversions. (Glenn Anderson, 09/05/07)  
(Status: 09/05/2007 - SENATE - REFERRED TO NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS)

**SB 0722** - **WATER, Conservation**, Modify certain registration and reporting requirements and require conservation measures for water withdrawals. (Samuel Buzz Thomas, 09/05/07)  
(Status: 09/05/2007 - SENATE - REFERRED TO NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS)

**SB 0723** - **WATER, Conservation**, Enhance enforcement of water withdrawals. (Liz Brater-D, 09/05/07)  
(Status: 03/06/2008 - SENATE - SEN SUB S-1 RECOMMENDED - TO GENERAL ORDERS)

**SB 0724** - **WATER, Conservation**, Regulate water withdrawal. (Mark Schauer-D, 09/05/07)  
(Status: 09/05/2007 - SENATE - REFERRED TO NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS)

**SB 0725** - **WATER, Conservation**, Provide for a water withdrawal assessment tool for water withdrawal. (Deborah Cherry-D, 09/05/07)  
(Status: 09/05/2007 - SENATE - REFERRED TO NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS)

**SB 0726** - **WATER, Conservation**, Modify authority for water users committees and local ordinances for water withdrawal. (Gretchen Whitmer-D, 09/05/07)  
(Status: 09/05/2007 - SENATE - REFERRED TO NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS)

**SB 0727** - **WATER, Conservation**, Require evaluation of certain proposed waterworks systems for water withdrawal. (Raymond Basham-D, 09/05/07)  
(Status: 03/04/2008 - SENATE - SEN SUB S-3 RECOMMENDED - TO GENERAL ORDERS)

**HB 4463** - **WATERCRAFT, Marinas**, Require issuance of a permit to operate a marina at a public road under certain circumstances. (Matthew Gillard-D, 03/14/07)  
(Status: 06/28/2007 - SENATE - REFERRED TO GOVERNMENT OPERATIONS AND REFORM)

**HB 4698** - **NATURAL RESOURCES, Inland Lakes**, Establish allowable uses for dedicated public access sites. (John P. Stakoe-R, 05/01/07)  
(Status: 05/01/2007 - HOUSE - REFERRED TO TOURISM, OUTDOOR RECREATION, AND NATURAL RESOURCES)

**HB 4983** - **ENVIRONMENTAL PROTECTION, Water Pollution**, Add definitions of CAFOs. (David Law-R, 06/27/07)  
(Status: 06/27/2007 - HOUSE - REFERRED TO AGRICULTURE)

**HB 5002** - **HEALTH, Code**, Revise and clarify the requirement that owner of public beach provides access to safety and rescue equipment activity is a governmental function. (Tonya Schuitmaker-R, 06/28/07)  
(Status: 06/28/2007 - HOUSE - REFERRED TO TOURISM, OUTDOOR RECREATION AND NATURAL RESOURCES)

**HB 5065** - **WATER, Conservation**, Regulate water withdrawals and water diversions. (Gary McDowell-D, 07/25/07)  
(Status: 03/05/2008 - HOUSE - HOUSE SUB H-3 RECOMMENDED - TO SECOND READING)

**HB 5066** - **WATER, Conservation**, Modify certain registration and reporting requirements and require conservation measures for water withdrawals. (Mark Meadows-D, 07/25/07)  
(Status: 03/05/2008 - HOUSE - HOUSE SUB H-3 RECOMMENDED - TO SECOND READING)

**HB 5067** - **WATER, Conservation**, Enhance enforcement for water withdrawals. (Terry Brown-D, 07/25/07)  
(Status: 03/05/2008 - HOUSE - HOUSE SUB H-2 RECOMMENDED - TO SECOND READING)

**HB 5068** - **WATER, Conservation**, Regulate water withdrawals. (Andy Coulouris-D, 07/25/07)  
(Status: 03/12/2008 - HOUSE - HOUSE SUB H-6 RECOMMENDED - TO SECOND READING)

**HB 5069** - **WATER, Conservation**, Provide for a water withdrawal assessment tool. (Rebekah Warren-D, 07/25/07)  
(Status: 03/12/2008 - HOUSE - HOUSE SUB H-6 RECOMMENDED - TO SECOND READING)

**HB 5070** - **WATER, Conservation**, Modify authority for water users committees and local ordinances. (Michael Sak, 07/25/07)  
(Status: 03/12/2008 - HOUSE - HOUSE SUB H-5 RECOMMENDED - TO SECOND READING)

**HB 5071** - **WATER, Conservation**, Require evaluation of certain proposed waterworks systems. (Marc Corriveau-D, 07/25/07)  
(Status: 03/12/2008 - HOUSE - HOUSE SUB H-3 RECOMMENDED - TO SECOND READING)

**HB 5072** - **WATER, Conservation**, Regulate bottled water facilities. (Mary Valentine-D, 07/25/07)  
(Status: 03/12/2008 - HOUSE - HOUSE SUB H-6 RECOMMENDED - TO SECOND READING)

**HB 5073** - **WATER, Conservation**, Provide department of environmental quality with rule-making authority. (Kathleen Law-D, 07/25/07)  
(Status: 03/05/2008 - HOUSE - HOUSE SUB H-2 RECOMMENDED - TO SECOND READING)

**HB 5163** - **WATERCRAFT, Marinas**, Revise definition of marina. (Fran Amos-R, 09/05/07)  
(Status: 09/05/2007 - HOUSE - REFERRED TO TOURISM, OUTDOOR RECREATION AND NATURAL RESOURCES)

### **MWA supports HB 5065 - HB 5073**

I am asking members of MWA to support the stronger protections for surface and groundwater that are included in House bills 5065-5073. I think we should oppose Senate Bills 212 and 860 because they propose to make as much as 25% of our cool and warm rivers and streams available for water withdrawals. They do not require a permit for water withdrawals until the proposal hits a whopping 2 million gallons a day. Proposals for less can simply register and take our water, unsupervised. Groundwater is not recognized as a public resource, subject to public trust protection. The current Senate bill SB 860 S-3, would allow removal from Michigan's cold water streams and rivers that resulted in a loss of up to 5% of the thriving species.

The water removed would be about 25% of the low summer flows. The pending bill in the House limits the effects of water withdrawal on cold water streams and rivers only to the point where less than 1% of the thriving species are impacted. Senator Prussi offered a floor amendment to SB 860 that reduces the coldwater adverse impact limit to less than 1%. Even at this level the water withdrawal assessment tool predicts that 11% - 15% of the low summer flow will be available for other users. The adverse impact lines need to be drawn at current levels. The bills fail to take into account the value of the state's tourism/recreation sector. Water is assigned a greater value to water as a commodity ingredient for future commercial products and processes. Water in Michigan has value for both purposes.

Ed Highfield  
Michigan Waterfront Alliance, Treasurer

### **Attorney Cliff Bloom comments on recent Attorney General opinion:**

Although there are dozens of good reasons why the ill-conceived road end bills being pushed by the backlit property owners groups should never become law in Michigan, Michigan Attorney General Mike Cox just weighed in with perhaps the most persuasive argument of all against the road ends bills. In a well-researched and reasoned formal Attorney General Opinion released on January 30, 2008, Attorney General Cox indicates that the legislation, if enacted into law, would likely be unconstitutional, under both the Michigan and U.S. Constitutions. That is, to the extent that the legislation would attempt to expand usage rights at dedicated public road ends, it would probably be unconstitutional. Worse yet, if the courts did not invalidate the legislation outright, the state of Michigan might very well have to pay monetary compensation to all injured parties, which would likely include nearby riparian property owners. Who would foot the bill? Not the backlot property owners who championed this legislation, but the taxpayers of Michigan! Just what Michigan needs in these troubled economic times—allowing a relatively small group of militant backlot owners to prompt all Michigan taxpayers to fund the backlot owners' own private marinas at road ends!

# What Can Your Association Do?

Recent conversations with our state legislators, our attorney, lobbyist and our members, we have a suggested format for a resolution from your association to your legislators. By passing this suggested resolution and sending to your State House and Senate legislators, they will understand your collective stand. Too often our legislators only hear from small groups. Let your voice be heard on this issue that is impacting lakes all across our great state of Michigan.

## Updated Lake Association Road End Resolution

\_\_\_\_\_ LAKE Association  
\_\_\_\_\_ COUNTY, Michigan

WHEREAS, there are a number of public roads which end or terminate at inland lakes in Michigan; and

WHEREAS, such road ends tend to be narrow, lack public facilities, and often have difficult terrain, such that they make lousy marinas and poor places for the permanent or overnight mooring, anchoring, or storing of a boat; and

WHEREAS, placing a marina or allowing extensive dockage and the permanent mooring or anchoring of high-powered boats not only crowds out favored activities for road ends (such as swimming and fishing), but also presents a safety hazard to other users of a road end as well as those using nearby lake properties; and

WHEREAS, road ends at lakes have been used improperly (and in some cases, unlawfully) by some back lot property owners in the past, which has created severe problems; and

WHEREAS, certain back lot property owners have lobbied for special interest legislation which would allow floating marinas at road ends at inland lakes in Michigan, which culminated in the passage of House Bills 4463 and 4464 in the Michigan House of Representatives during June of 2007; and

WHEREAS, that proposed legislation has many problems associated with it, including, but not limited to, the following:

1. The road ends are too small—they make lousy marina sites -- they would be very unsafe.
2. The legislation is opposed by the DEQ, the Michigan Townships Association, the Michigan Attorney General's office, etc.
3. Attorney General Cox recently issued opinion # 7211 concluding that such legislative changes as proposed in HB 4463 could infringe on property rights and expose municipalities to takings claims.
4. It will simply breed more new litigation.
5. The bills would reward past law-breaking.
6. There will be numerous conflicts with nearby and adjoining riparian users.
7. It would overturn over a century of Michigan case law (and the need for certainty in real property law, which is especially important).
8. The proposed legislation is poorly drafted and contains many loopholes.
9. It would constitute bad public policy.
10. The road end marinas would "crowd out" and effectively preclude fishing, swimming, etc.
11. Local governments (particularly townships) would become even more entangled in road end disputes; and

WHEREAS, the \_\_\_\_\_ Lake Association feels strongly about this matter, is opposed to the backlotter's proposed legislation (including any variation thereof), and believes that road ends should be left free of clutter and obstacles and that extensive dockage and overnight or permanent boat mooring should not be allowed.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The \_\_\_\_\_ Lake Association opposes any legislation which would allow any public road end at an inland lake in Michigan to be used as a marina or for extensive dockage, shore stations, and/or permanent or overnight boat mooring, anchoring, or storage.
2. The \_\_\_\_\_ Lake Association urges its representatives in the Michigan Senate and Michigan House of Representatives to strongly oppose not only the current version of the back letters' road end bills, but any variation thereof or any future proposed legislation which would in any fashion permit marinas at public road ends or allow extensive dockage, any shore stations, or permanent or overnight boat mooring, anchoring, or dockage at road ends.

#### Certification

I hereby certify that the above Resolution was adopted by the Board of Directors for the \_\_\_\_\_ Lake Association at a meeting duly held on \_\_\_\_\_, 200\_\_.

Respectfully submitted,

By \_\_\_\_\_, Secretary of the \_\_\_\_\_ Lake Association

To access your state representative: [http://house.mi.gov/find\\_a\\_rep.asp](http://house.mi.gov/find_a_rep.asp)

To access your state senator: <http://senate.michigan.gov/>

### The Future of The Michigan Waterfront Alliance

The MWA board voted in December of 2007 to increase the individual member dues to \$50 a year and set the Lake Association Membership at \$100 a year. We have also solicited corporate sponsors and sent over 2100 letters to potential individual members. Some of the bigger lakes such as Higgins, Walloon, Burt and others have their own lobbyists. It will be up to the many Riparians of the lakes and streams that do not have representation in Lansing to step up "to the plate".

At a December meeting of the Michigan Lake and Stream Associations Executive committee, it was decided to help fund the Michigan Waterfront Alliance for a portion of the fiscal year. For the MWA to operate we estimate our annual budget to be about \$22,000 a year. With ML&SA assistance and new members, individuals, associations and corporate sponsors, we are planning for an improved financial position very soon.

If you are not currently a member, please join by filling out the membership application at the back of this newsletter. Also encourage your Lake or Stream Association to join.

Scofes & Associates continues to work on and monitor issues for the MWA. Please do not hesitate to contact us if you have any questions.



### SUMMARY MWA MEETING(S)

**MICHIGAN WATERFRONT  
ALLIANCE, INC.  
REGULAR BOARD MEETING  
Mar. 11, 2008 – Lansing, MI**

Minutes (unapproved)

1. Meeting called to order at 10:05 am Present were Bonnell, R. Carey, Frye, Highfield, Sharp, Tying, along with A. Boyle and S. Scofes. Also in attendance was D. Winne. Excused were Brown, Sipes and W. Carey.
2. Minutes of regular Board meeting of December 4, 2007, were reviewed and accepted.
3. The Financial Report was accepted. It was moved and carried unanimously to re-bill those members that received the statement requiring \$50 and only paid \$25.

4. B. Frye reported on a letter sent to ML&SA for their Dec. 18<sup>th</sup> meeting. (Brown attended the meeting) B. Frye reviewed the agreement with Scofes & Associates to lower our lobbyist fees "until things picked up for MWA". Discussion continued regarding Attorney General's Report and how it favorably impacted our Riparian owners.
5. MWA Legislative Report was given by S. Scofes. He indicated that HB 4463 and HB 4464 are still in committee and staying there until Dec. 31, 2008. There is a concern that the small group of non-riparians may start the issue again, so MWA needs to stay alert. A letter to the Governor about the Attorney General's opinion and our opposition of these bills was suggested. A motion to draft such a letter, with Tying and Scofes help, carried.
6. Scofes will provide a newsletter page listing "Bills of Importance". Another motion supporting S. Scofes in his Marketing Plan efforts on behalf of MWA carried.
7. It was noted that Bonnell, Brown Highfield and Tying terms are to expire this year. As ML&SA sponsorship is necessary, E. Highfield will email support to B. Frye for ballot preparation before annual meeting.
8. B. Sharp reported he attended a DEQ meeting on raising fees on some services. P. Bonnell reported ML&SA was against fee increase, even if it meant a reduction in DEQ personnel resulting in less effective DEQ. B. Sharp will follow up before MWA takes a position.
9. Membership Committee- Reported that the database had not yet been received. It was decided to set up a new Post Office Box to receive Memberships and Dues. These will then be posted and dues forwarded to the Treasurer on a monthly basis.
10. Annual ML&SA/MWA Conference-
11. MWA meeting timing was discussed and a plan to inform meeting timing and handouts was formulated. Motion and support to contribute \$250 to ML&SA Conference.
12. Next meeting set for Annual Conference, April 26, 2008 in Grayling, MI.
13. Meeting adjourned at 1:55 pm

MICHIGAN WATERFRONT ALLIANCE, Inc.  
 Special Meeting to Elect Officers  
 April 26, 2008

Minutes  
 (Unapproved)\*

1. B. Frye called the Special Meeting to Elect Officers to order at 5:40pm. Present were P. Bonnell, R. Carey, B. Frye, R. Brown, D. Sipes, B. Sharp, D. Winne and E. Highfield. Excused was W. Carey.
2. Election of Officers

**Motion by B. Sharp, second by R. Carey we elect B. Frye, President MWA.**

**Motion carried unanimously**

**Motion by E. Highfield, second by B. Sharp we elect R. Brown, Vice-president MWA.**

**Motion carried unanimously**

**Motion by D. Sipes, second by R. Brown we elect R. Carey, Secretary MWA.**

**Motion carried unanimously**

**Motion by R. Carey, second by B. Sharp we elect E. Highfield, Treasurer MWA.**

**Motion carried unanimously**

3. B. Frye appointed P. Bonnell to serve as Assistant Treasurer.
4. P. Bonnell will make sure R. Brown has an MWA, FOR DEPOSIT ONLY STAMP.
5. E. Highfield will need a signature card and a copy of the approved minutes showing the change in officers in order to formalize new signatures with bank.

**Motion by B. Frye, second by R. Brown for E. Highfield to purchase needed software on behalf of MWA, for the Treasurer's position. Motion carried unanimously**

6. B. Sharp contacted N. McCord who gave him the number to the main DEQ switchboard (1-800-662-9278).
7. B. Frye regretfully accepted Del Sipes resignation from the MWA Board of Directors. It was noted Del has been a great asset to MWA for many years and will be sorely missed.

**Motion by R. Carey, second by B. Sharp that Pam Tying be appointed to the open At Large position on the Board. Motion carried unanimously**

8. R. Carey will email the unapproved minutes to B. Frye, who will, in turn, email them to the Board for their approval. The approved minutes will then be hard copied to B. Frye for final signatures so that they may be presented to the bank for the needed change in authorized signers.
9. Meeting was adjourned at 6:00pm.

#### **Certification**

I hereby certify that the above Resolutions were adopted by the Board of Directors for the Michigan Waterfront Alliance at the meeting duly held on April 26, 2008.

