



MICHIGAN WATERFRONT ALLIANCE

NEWSLETTER

JANUARY 2022

<https://michiganwaterfrontalliance.com/>

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 Lake Association Members, Individual Members and Friends,

I am pleased to report that your MWA board of directors has voted to file an amicus brief with the Michigan Supreme Court regarding a case that a Lakeshore Group (Lakeshore Group, et al v Dep’t of Environmental Quality and Dune Ridge SA LP (Docket Nos. 159524-5) has been battling over sand dunes and MNREPA (Michigan Natural Resources Environmental Protection Act) appeals for 7 years. The core issue is whether citizens can use MNREPA to file a court case seeking judicial review of EGLE permitting actions. EGLE says NO, as their actions do not affect the environment and there is no right to court review using MNREPA. Lakeshore Group (and MWA) says YES.

This quote from MWA Attorneys, Dane Carey and Bill Carey, explains it very well: “The MWA has a unique and compelling amicus position to present. Only MWA can advocate on the public trust position based upon its prior experiences with EGLE. MWA has tried for several years now to lobby EGLE from negligently introducing AIS into Michigan lakes. The results of the lobbying have not been too successful. MWA, in its amicus argument, can convincingly and sincerely, represent to the Supreme Court that the MWA has tried and failed administratively to convince EGLE that its actions are MNREPA (Michigan Natural Resources Environmental Protection Act) violations. We need to therefore be able to have a legal theory (public trust thru MNREPA) to sue EGLE to obtain relief.”

Since August of 2017, the Michigan Waterfront Alliance has met with leadership of DNR Parks and Recreation (which oversees the more than 1300 Michigan lake and stream public access sites), representatives of EGLE (Michigan Department of Environment, Great Lakes, and Energy) and DNR law enforcement at least 4 times a year in an attempt to develop effective strategies combatting the introduction of AIS to Michigan lakes, provide support for existing programs aimed at the prevention of the AIS introduction, and to examine successful models other states are using to attack the AIS problem.

My conclusion is that although a new Michigan law that requires boaters to remove all drain plugs from bilges, ballast tanks and live wells, drain all water from live wells and bilges and remove any kind of plant or organism from the boat and trailer was enacted in 2019, the enforcement of the new law has been limited. Furthermore, the implementation of the new law has primarily been funded by federal funds. From April 1, 2021 to September 30, 2021, only 200 warnings were issued along with 2 citations statewide.

When one considers the disregard for the spread of aquatic invasives shown in the permitting process of a new public access site on Eagle Lake—where the administrative law judge agreed that the DNR is not responsible for preventing the introduction of AIS into Eagle lake—along with the lack of enforcement of the new AIS law, it becomes clear that the philosophy and policy of the DNR / EGLE (in the approach to limiting the spread of and remediating the damage caused by that spread of AIS) has not changed since the creation of the MWA/DNR Task Force.

If the outcome of the filing of this amicus is successful and the Supreme Court rules that citizens can use MNREPA to file a court case seeking judicial review of EGLE permitting actions, it would truly be a game changer and a great boost to the argument that the DNR/EGLE are obligated to uphold the public trust and be responsible for what gets put into Michigan’s Lakes and Streams at their 1300 access sites.

Because the legal fees for this filing are estimated to be approximately \$15,000, the MWA Board has voted to start a goal-specific fundraising effort. Our goal is to raise the \$15,000 in addition to the regular dues, so please note the amount on the “legal support” line on your return envelope and it will be applied to that specific goal. A suggested amount would be \$100 for each individual member and \$200 for each Lake Association member.

Sincerely,

Bob Frye, MWA President



MWA Legislative Update – January 2022

Matt Kurta

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December saw a flurry of bipartisan legislative activity to close out 2021 in Lansing, with enactment of a \$1 billion economic development incentive, \$409 million in economic assistance to business impacted by the COVID-19 pandemic, and multiple supplemental appropriations bills funding pandemic relief efforts.

Of particular interest to MWA was Senate passage of Senate Bill 565, sponsored by Sen. Jon Bumstead (R-Newaygo), which would appropriate \$3.3 billion in state and federal funding for clean drinking water access and other water-related infrastructure needs such as wastewater and septic system improvements, dam safety, and wetland mitigation. SB 565 passed the Senate 34-4 and is currently pending before the House Appropriations Committee.

While SB 565 is not yet a finished product, it has highlighted in a positive way both the need and the current opportunity to invest in water infrastructure in Michigan. MWA has been working with legislators and state officials pressing the need for long-overdue investments in the quality of our inland lakes and SB 565 represents an opportunity for policymakers to dig further into all issues surrounding water quality in the state. We continue to work on policy ideas with the state AIS Task Force in hopes of securing ongoing state funding to improve the quality of our inland lakes.

With state revenues continuing to come in at a healthy pace, now is the time to request action on our concerns from our elected officials. Governor Whitmer will present her proposed FY 2022-2023 state budget in February, and we will see action on multiple supplemental appropriations bills allocating state and federal money in various sectors of the economy throughout the first half of this year as well. As such, we have multiple opportunities coming up in the next few months for policymakers to appropriate funding for AIS and other inland lake quality and natural resource needs, and we encourage you as MWA members to share those needs with your local legislators as well as the Whitmer Administration.

We all are familiar with the old saying, “The squeaky wheel gets the grease”. Rest assured, given record state and federal revenues, interest groups are indeed squeaking, and in fact have been flooding Lansing over the last few months with suggestions on how policymakers can spend those revenues! Let’s ensure

our voice is heard as well, and please take time to contact your legislator to make your voice heard as well and let MWA know if you need help advocating for our issues.

Sign-up Today for the Michigan Waterfront Alliance Twice Monthly E-Newsletter

Please help us increase the readership of this newsletter by adding e-mail addresses of your relatives, friends, neighbors, and/or fellow lake or watershed conservation-focused association members to our growing list of water resource conservation minded people. In addition, please forward the twice-monthly, e-mailed-based, newsletter to all who may be interested in our Michigan freshwater resources news.

Contact Editor Scott Brown at scottb1952@gmail.com

Michigan Inland Lakes Partnership 2021 Activities Report

The Michigan Inland Lakes Partnership (MILP) is made up of a broad range of organizations and agencies that have a common interest in promoting collaboration to advance stewardship of Michigan's inland lakes. The purpose of the Michigan Inland Lakes Partnership (Partnership) is to engage state and local agencies, Native American Nations, outreach institutions (universities and other educational institutions), non-governmental organizations (NGOs), businesses, industries and citizens in a collaborative effort to ensure the quality, sustainability and ecological diversity of lakes, while considering society's needs. The Partnership promotes communication and cooperation between partners, communities and citizens interested in the management of Michigan's inland lakes, educating leaders, and strengthening stewardship efforts.

- Facebook: <https://www.facebook.com/michiganinlandlakesconvention/>
- Twitter: https://twitter.com/Mich_Lakes
- Web site: <https://www.canr.msu.edu/michiganlakes/>

The 2022 Biennial Michigan Inland Lakes Convention entitled **Protecting Lakes Today for Tomorrow** has been scheduled to be held as a virtual event that will be held Wednesday through Friday, September 14 – 16, 2022. For more information regarding this year's convention, visit the Michigan Inland Lakes Convention web page at <https://www.canr.msu.edu/michiganlakes/convention/>.

Why should you join Michigan Waterfront Alliance?

Do you care for your lake, river, or stream? Do you care enough to contact your senator or representative about issues that affect your waterbody? Do you keep track of the bills in Lansing important to your lake, river, or stream? Would you like to be more involved? Michigan Waterfront Alliance (MWA) is doing this with you. We hire a lobbying firm to keep track of issues and bills which may affect Michigan's waterfronts and to remain in constant contact with senators and representatives. These lobbyists have relationships with those serving in congress willing to present bills that MWA would support to help protect Michigan's inland waterways.

There is an old saying that "you can't fight city hall." There have been laws interpreted incorrectly when

it comes to our lakes, rivers, and streams. MWA, with its attorneys, has argued these cases when we believe the law has been misinterpreted.

While the MWA Board is made up of volunteers, it is expensive to hire lobbyists and attorneys. We rely on our membership to fund the organization. The Michigan Waterfront Alliance membership is made up of individuals, lake associations, and corporations who care about Michigan’s lakes, rivers, and streams.

Membership in MWA is inexpensive:

- \$50 for an individual,
- \$100 for a lake association and
- \$200 for a corporation.

With support from individuals, lake associations, and corporations, we can work together to be a unified voice choosing to protect Michigan’s water resources for future generations.

YOUR MEMBERSHIP IS DUE NOW!



Membership Application
(Dues for 2022 are due January 2022)

The annual dues for individual membership In Michigan Waterfront Alliance are \$50. Lake Association Membership is \$100. Commercial, Individual & Legal Donations Are Appreciated.

Please Print:

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

| | | | | |
|----------------|------|-------|----------|---------------|
| Street Address | City | State | Zip Code | Email Address |
|----------------|------|-------|----------|---------------|

| | | |
|--------|----------|---|
| County | Township | Lake or Stream Association if established |
|--------|----------|---|

List your top concern and return to MWA

Make Checks payable to: **Michigan Waterfront Alliance**
 Mail to: **MWA, P.O. Box 369**
Fenton, MI 48430

| | |
|--------------------------|-------|
| Individual (\$50) | _____ |
| Lake Assoc. (\$100) | _____ |
| Corp. (\$200) | _____ |
| Legal Assist. Fund | _____ |
| Total Enclosed \$ | _____ |

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The MWA looks forward to continuing to collaborate with MLSA in all ways to protect and preserve Michigan’s Lakes and Streams.

*To view the MWA web site, go to the michiganwaterfrontalliance.com and look under “News”

YOU CAN MAKE A DIFFERENCE

Do you ever think, as an individual or a lake association, that you cannot make a difference when it comes to your lake, river, or stream? Well, that may be the case but if we all work together, we can make a difference. The Michigan Waterfront Alliance (MWA) is that organization which brings all our concerns together and has the resources to get your/our message to our elected officials. We hire lobbyists who are well trained and know the ins and outs of government and how to get the attention of our elected officials. We also hire attorneys to deal with legal issues. Alone we may not be able to change things, however, if we work together, we can accomplish amazing things. It takes all of us. We should not count on other individuals and lake associations to support MWA's effort to make a difference; IT TAKES ALL OF US.

For a small membership fee, you and your lake can make a difference. An individual membership is \$50, a lake association membership is \$100, and a corporation membership is \$200. So, as you can see, for a small amount you can make a difference. If your friends or your lake association do not belong to the Michigan Waterfront Alliance, get them involved in helping to protect our lakes, rivers, and streams. We especially need additional funding this year for the Amicus filing explained in the President's letter in this newsletter.

SUMMARY MWA MEETING(S)



MICHIGAN WATERFRONT ALLIANCE, INC. BOARD MEETING

**January 3, 2022 –9:00 am –
ZOOM**

Minutes (unapproved)

1. Meeting called to order. Present were R. Brown, S. Brown, D. Carey, Wm Carey, Frye, Highfield, Beckwith & Cornell. R. Brown gave proxy to Frye
2. Discussion of Agenda regarding Amicus Brief with cap on MWA risk not to exceed \$5000. Motion to file Amicus Brief Approved, D Carey not voting
3. Future meeting will be by Zoom
4. Meeting adjourned at 10:00 am

Fill out the enclosed Green

Envelope &

Take a copy of the MWA

membership form on page # 4 and

share with your friends and

neighbors.

MICHIGAN WATERFRONT

ALLIANCE,

ONLY THROUGH

YOUR ACTIVE INVOLVEMENT,

IS YOUR LAKE PROTECTED.

Your Support Does

Make a difference!

It's an investment that pays off!

Lobbyists are NOT FREE, but individual membership in MWA is VERY CHEAP; it costs just \$50 a year, your lake Association is only \$100. Think of it as an insurance policy against the erosion of the value of your riparian rights of your valuable property.

MICHIGAN WATERFRONT ALLIANCE

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