



Michigan Waterfront Alliance (MWA) is a 501(c) 4 non-profit corporation formed over twenty years ago in order to effectively advocate for the creation or preservation of state laws, and/or policies designed to protect, preserve, and promote the sustainable and wise use of our state's immense treasure of high quality freshwater resources. Our primary mission will be accomplished by pro-active participation in Michigan's legislative process (lobbying), by participating in court cases whose outcomes may have significant statewide ramifications, and/or by direct involvement with natural resources management, or environment focused state agencies or departments.





Photo by W. S. Brown



facebook



Order

March 4, 2022

159033(36)

LAKESHORE GROUP, CHARLES ZOLPER,
JANE UNDERWOOD, LUCIE HOYT,
WILLIAM REININGA, KENNETH ALTMAN,
DAWN SCHUMANN, GEORGE SCHUMANN,
MARJORIE SCHUHAM, and LAKESHORE
CAMPING,

Plaintiffs-Appellants,

v

STATE OF MICHIGAN,
Defendant,

and

DEPARTMENT OF ENVIRONMENTAL
QUALITY,

Defendant-Appellee.

Michigan Supreme Court
Lansing, Michigan

Bridget M. McCormack,
Chief Justice

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

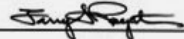
SC: 159033
COA: 341310
Ct of Claims: 17-000140-MZ

On order of the Chief Justice, the motion of the Michigan Waterfront Alliance to file a brief amicus curiae is GRANTED. The amicus brief submitted on February 22, 2022, is accepted for filing.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 4, 2022


Clerk

Kuhn Rogers Files Amicus Curiae Brief (on Behalf of MWA) with the Michigan Supreme Court in Critical Environmental Law Case

March 24th, 2022

Contributor: [W. Dane Carey](#)

The Michigan Supreme Court recently granted leave to allow the Michigan Waterfront Alliance ("MWA") to file an *amicus curiae* brief in the momentous environmental law case titled, *Lakeshore Group v Department of Environmental Quality*. The brief was prepared by Kuhn Rogers attorney [Dane Carey](#), who serves as co-counsel for the MWA with his father, William Carey, of Carey & Jaskowski, PLLC.

What is an *amicus curiae*? The term, which literally translates to "friend of the court," refers to a non-party individual or organization that has a vested interest in the subject matter of the case and volunteers to offer insight on a specific point of law or policy to assist the court in reaching a decision. An *amicus curiae* brief asks the court to adopt a particular position or legal theory.

The core issue in the *Lakeshore Group* case is whether private individuals and organizations can bring an action under MCL 324.1701(1) of the Michigan Environmental Protection Act ("MEPA") against state agencies who make permitting decisions that may have an adverse environmental impact. In its *amicus curiae* brief, MWA made two arguments for the Supreme Court's consideration. First, MWA argued that administrative review and approval of a permit can form the basis of a cause under MCL 324.1701(1) in accordance with the Supreme Court's controversial decision in *Preserve the Dunes, Inc v Department of Environmental Quality*, 471 Mich 508; 684 NW2d 847 (2004). In the alternative, MWA has urged the Supreme Court to overturn its position in that case if it decides that *Preserve the Dunes* does bar such actions under MEPA.

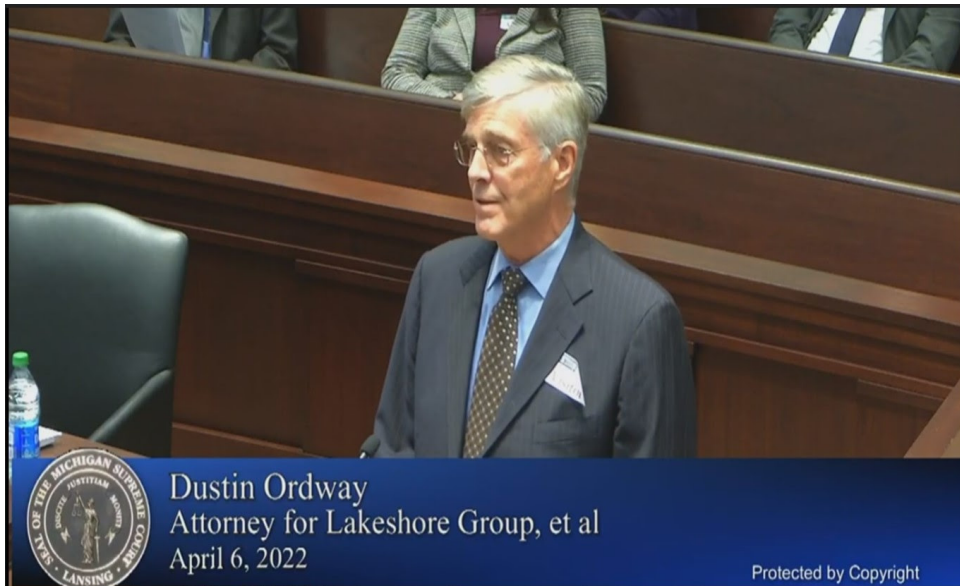
As the Michigan Supreme Court explained in *Ray v Mason County Drain Commissioner*, 393 Mich 294, 305-06; 224 NW2d 883 (1975):

Michigan's EPA was the first legislation of its kind and has attracted worldwide attention. The act also has served as a model for other states in formulating environmental legislation. The enactment of the EPA signals a dramatic change from the practice where the important task of environmental law enforcement was left to administrative agencies without the opportunity for participation by individuals or groups of citizens. Not every public agency proved to be diligent and dedicated defenders of the environment. The EPA has provided a sizable share of the initiative for environmental law enforcement for that segment of society most directly affected—the public.

Although the Court's decision in *Preserve the Dunes* has been interpreted by the lower courts in this case to bar the plaintiff, Lakeshore Group, from bringing an action against the DEQ, a close examination of the Court's opinion and the statute involved in *Preserve the Dunes* suggests a different result. MWA goes further in its *amicus curiae* brief, however. Although not argued by the plaintiff or other *amici curiae* who filed earlier briefs, MWA took the bold position that *Preserve the Dunes* should be overturned and MEPA restored to its former glory as the legislation that changed the environmental law landscape throughout the world.

This case will have statewide impact and significance on the ability of individuals and organizations to protect "the air, water, and other natural resources and the public trust in these resources from pollution, impairment, or destruction" from administrative agency permitting decisions that allow environmentally harmful activity to occur.

Oral arguments in this case are scheduled for March 30, 2022 at 10:00 a.m. MWA and its attorneys look forward to the Michigan Supreme Court restoring MEPA jurisprudence and breathing new life into the groundbreaking environmental statute.



To view a recording of oral arguments that were recently presented to the Michigan Supreme Court in the case entitled *Lakeshore Group v Department of Environmental Quality*, [click here](#)



Photo by W. S. Brown

PLEASE EXTEND A HELPING HAND TO MICHIGAN WATERFRONT ALLIANCE...

DID YOU KNOW THAT MICHIGAN WATERFRONT ALLIANCE DEVOTES
ALL OF ITS INCOME TO SUPPORTING OUR MISSION OF PROTECTING

**NO ONE IN MWA COLLECTS A SALARY OR
RECEIVES A BENEFIT PACKAGE!**

>>>Your Generous Donation<<<

May Help Restore the Critical Criteria of
Public Trust to Natural Resource and Environmental Protection
Management Decisions Made by Our Department of Natural Resources
(DNR), and Department of Environment, Great Lakes, and Energy (EGLE)

We are currently asking our readers to please consider making a generous donation that will allow Michigan Waterfront Alliance to cover the considerable cost of the amicus brief our attorneys recently filed on our behalf in a pending Michigan Supreme Court case entitled Lakeshore Group *et al.* v. State of Michigan *et al.*. Please refer to the Michigan Supreme Court Order which appear above dated March 4, 2022 in which the Court GRANTED our motion to file an amicus curiae brief.

Our amicus brief filing is intended to encourage the Michigan Supreme Court to rule in a manner that would enable the ability of Michigan citizens to use Public Act 451 of 1994, Michigan Natural Resources and Environment Protection Act, as the basis for filing legal challenges to certain actions, and in particular the issuance of permits, taken by the Michigan Department of Natural Resources (MDNR) and the Michigan Department of Environment, Great Lakes, and Energy (EGLE). Success in this case would represent a real game changer, and greatly enhance our efforts to protect our precious freshwater resources, and restore public trust.

The legal fees for filing an amicus brief in this important case were approximately \$15,000. Our ultimate goal is to raise the \$15,000 cost of filing this important amicus brief in addition to regular membership dues.

Given the importance of the issue at hand, Michigan Waterfront Alliance asks that you please give serious consideration to making a significant donation!

>>> Click here to donate <<<

A note to donors:

Your generous donation will only be used to fund
the cost associated with filing an amicus brief
with the Michigan Supreme Court



Photo by W. S. Brown

Washtenaw County's wonderful Pleasant Lake...



MI LEGISLATIVE UPDATE

Our readers should keep in mind that 2022 is a local, state, and federal election year. This year's election is scheduled to be held on Tuesday, November 8th. Several controversial bills introduced in the past year, including legislation that would effectively strip local governments of the authority to issue gravel mine permits; and ban local governments from adapting, and/or enforcing zoning ordinances that would have the effect of prohibiting short term rentals are not likely to be acted upon in an election year where incumbent members of Michigan's House and Senate are reluctant to vote yes on legislation that may cost them votes on election day. Although corporate supporters of the legislation continue to pro-actively support passage of [House Bill 4722](#) and Senate Bill 1210, the state legislature is unlikely to consider either of the bills until a new session is called to order in January 2023 - well after the election.

If passed into state law, [Senate Bill 991](#) would:

- Prohibit the installation of an underground storage tank within 2,000 feet of an existing Type I community or Type II (a) non-community public water well
- Within 800 feet of an existing Type II (b) or type III non-community public water well

- Within 300 feet of any other type of well not described 3 in subdivision (a) or (b).

If passed into state law, [Senate Bill 1210](#) would:

- Strip local governments of the authority to issue gravel mine permits
- Give permitting authority to the Michigan Department of Environment, Great Lakes, and Energy (EGLE)
- In the vast majority of cases, EGLE would be required to issue the permits even if local governments and residents oppose new mines
- set no limits on hours of operation for gravel mines, and they would be allowed to operate within a block of schools, churches, or existing neighborhoods

If passed into state law, [House Bill 4722](#) would:

- Ban local governments from adopting or enforcing zoning ordinances that "have the effect of prohibiting short-term rentals," which are defined as a single-family home or unit available to rent for less than 30 consecutive days
- Allow local governments to limit an owner or ownership group to as little as two short-term rental properties
- Allow local governments to limit the total number of short-term rentals to 30 percent of all residential units
- Allow local governments to regulate and inspect short-term rental units for noise, advertising, traffic or "any other condition that may create a nuisance."

To track the current status of legislation pending action by the Michigan Senate Environmental Quality Committee, [click here](#)



Mark your calendars!

**The Michigan Inland Lakes Convention:
Protecting Lakes Today for Tomorrow**

will be held on-line

Wednesday, Thursday & Friday

September 14-16, 2022

The three-day virtual Convention will include a plenary session with keynote addresses, workshops, concurrent sessions, a virtual educational resource room, awards, photo contests and trivia.

Abstract Submission is Now Open

We are seeking abstracts that feature current and emerging research, policy, education, and management strategies for conserving and protecting inland lakes. Abstracts (up to 300 words) may be submitted for one of four options: 1) a 30-minute oral presentation; 2) a 1.5 or 3-hour interactive workshop; 3) a 90-minute oral session that you arrange with multiple speakers; or 4) a 5-minute lightning talk on your research, your organization or a program. We anticipate four concurrent sessions per time block. A limited number of spaces are available for each option. All presenters attending the virtual Convention receive free registration. This benefit only applies to active presenters.

Abstract submissions are open until Friday, April 29 at 11:59pm EST. You will be notified by email in late May or early June if your abstract is accepted. For questions or additional information, please contact Lois Wolfson at wolfson1@msu.edu (517-230-9281) or Erick Elgin at elgineri@msu.edu (218-340-5731).

Submit Your Convention Abstract Here

The Michigan Inland Lakes Convention is a biennial event that brings together professionals, researchers, local government officials, students lake enthusiasts, and others interested in protecting Michigan's water resources. The online format will allow us to reach a large audience, provide an archive of recorded presentations, and offer lower registration fees. While the costs are decreased compared to an in-person Convention, there are still substantial costs associated with offering an accessible and successful online event including logistical and technical support, recording, captioning, and posting presentations for future access. Your support helps keep prices reasonable for all participants, allows us to offer student scholarships, and is an excellent exposure opportunity for your business or organization.

CONTRIBUTOR OPPORTUNITIES

Platinum: \$750+

- Special recognition throughout the Convention, including event announcements and press releases
- Organization logo displayed in Convention materials, website and social media

Gold: \$500

- Organization logo displayed on Convention website and social media
- Recognition during Convention

Silver: \$250

- Organization logo displayed on Convention website

To be a contributor:

Please make your check payable to "Muskegon River Watershed Assembly" and indicate that the funds are to be directed to the Michigan Inland Lakes Partnership.

Mail your contribution to:
Michigan Inland Lakes Partnership
c/o Muskegon River Watershed Assembly
Ferris State University
1009 Campus Drive JOH 200
Big Rapids, MI 49307-2280

The Muskegon River Watershed Assembly is a registered 501(c)3 nonprofit organization, and your contributions are tax deductible to the fullest extent allowed by law.

QUESTIONS?
Contact Dr. Jo Latimore at MSU:
latimor1@msu.edu
517-432-1491

Contribution Deadline:
August 12, 2022
<http://bit.ly/milc2022>





Photo by W. S. Brown

Michigan Chapter North American Lake Management Society

The purpose of McNALMS is to promote understanding and comprehensive management of Michigan's inland lake ecosystems

To read the just released Spring 2022 Edition of the
Michigan Chapter
North American Lake Management Society Newsletter

[Click here](#)



**NORTH CENTRAL REGION
WATER NETWORK**



Mobile Boat Wash and Clean Boats Help Deter Aquatic Invasive Species Spread

By Kelsey Bockelman and Lois Wolfson, Michigan State University Extension

As the new Aquatic Invasive Species Prevention Educator with Michigan State University (MSU) Extension, Kelsey Bockelman is taking steps to help reduce the spread of aquatic invasive species through two programs, the MSU Mobile Boat Wash and Michigan Clean Boats, Clean Waters.

The Mobile Boat Wash's mission is to slow the spread of aquatic invasive species (AIS) through direct education and outreach to boaters and anglers at boat launches. The program is a multi-agency partnership between [MSU Extension](#), [Michigan Department of Environment, Great Lakes, and Energy \(EGLE\)](#) and the [Huron-Manistee Forests of the US Forest Service](#). The mobile boat wash program also falls under the umbrella of the [Michigan Clean Boats, Clean Waters program](#).

Originally launched in 2014, the program has run every summer since – except for 2020 due to the COVID-19 pandemic. The mobile boat wash program is typically made up of two separate crews, each running their own trailer-mounted, hot pressure washers providing free boat washes across Michigan. The washers are pressurized at 1500 psi and are run at about 40 degrees Fahrenheit above the ambient air temperature. The largest of the washer tanks can hold up to 200 gallons of water, while the smaller tanks can hold 150 gallons. No soap or chemicals are added to the water. Runoff water is captured on a containment mat, which can then be vacuumed back into the filter box to either be recycled and reused or properly disposed of.

“Our crews provide hands-on demonstrations of boat decontamination to prevent the spread of AIS as well as talk with boaters about these invasive species and the simple steps they can take to help protect Michigan’s waters. Crews come with an extensive library of [AIS outreach materials](#) and messaging to share with partners and boaters,” said Bockelman.

The program to date has had over 12,000 contacts across the state. During the 2021 season, the mobile boat wash program ran one single crew that went to 46 boat launches, connected with over 1,500 people, and washed over 330 boats. Approximately 150 boats had some type of AIS hitchhiker on them. Notably, the invasive species that were found the most on boats and trailers included Eurasian watermilfoil, starry stonewort, curly leaf pondweed, and zebra mussels.

With funding from the EGLE and the [Great Lakes Restoration Initiative](#), the Clean Boats, Clean Waters (CBCW) has grown into a comprehensive aquatic invasive species boater outreach program. The CBCW carries the message of reminding boaters to clean, drain, and dry their equipment to prevent the spread of AIS and dispose of unwanted bait in the trash. The program has educated water recreationists, boaters, and others on steps they can take to limit and prevent the spread of aquatic invasive species.

In 2021, for the first time since the program began, CBCW was able to fund seven local organizations for a total of \$19,800. While the contract phase is still finishing for the 2022 applicants, the CBCW program was able to award \$25,691 to 12 different groups. Funds are being used to hold boat washing events; install signage at boat access sites; produce a video demonstrating proper boat cleaning techniques; develop educational materials; and apply parking lot stencils with messaging about AIS prevention at various boating access sites. MSU Extension, in cooperation with EGLE, leads the overall program.



Lake Conservation Webinar Series

A Field Study of Maximum Wave Height, Total Wave Energy, and Maximum Wave Power Produced by Four Recreational Boats on a Freshwater Lake

Day, Date & Time

Tuesday, April 26, 2022 / 2:00 PM Eastern Time

Webinar ID: 978 9955 0493

REGISTER HERE

Please submit any questions to:

latimor1@msu.edu

Webinar Speakers

Jeff Marr

Associate Director of Engineering and Facilities, St. Anthony Falls Laboratory, University of Minnesota

Jeff oversees the applied research and engineering team at SAFL, which has ongoing work in storm water, hydraulic modeling, wind and water power, river engineering and restoration, boat and wind generated waves, and technology development for field monitoring. Jeff is the project lead for this boat-generated wake wave study.

Andy Riesgraf

Researcher, St. Anthony Falls Laboratory, University of Minnesota

Andy is a Researcher with SAFL's applied research and engineering team. He has an MS in Fisheries and Aquatic Biology with an emphasis on aquatic invasive species. For this project, he led the daily work logistics and activities, assisted with data capture, management, and analysis, and prepared and published the report. Andy is interested in how boat wakes might be contributing to environmental impacts to water quality, aquatic vegetation, and fish population dynamics.



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY



NotMI Species

A WEBINAR SERIES TAKING AN INSIDE LOOK AT INVASIVE
SPECIES PREVENTION AND RESPONSE IN MICHIGAN

NotMISpecies Webinar Series

Upcoming webinars in the series

May 12 / 9:00 - 10:00 a.m.

Clean it up, drain it out, dry it off: Boating hygiene for the 21st century

Protecting Michigan's waters from aquatic invasive species is as simple as Clean, Drain, Dry - but just how easy is it? Watch Kelsey Bockelman from Michigan State University Extension and Kevin Walters from the Michigan Department of Environment, Great Lakes, and Energy provide live demonstrations of each step in the process. The team will share watercraft decontamination essentials using basic tools like towels and brushes and display the features and operation of a trailer-mounted mobile boat washing system.

Michigan.gov/EGLEevents



ATTENTION READERS!!!

In order to add your friends, neighbors, and/or fellow lake or watershed conservation focused association member e-mails to our growing list of water resource conservation minded people who would like to receive this Michigan freshwater resources focused twice monthly newsletter, contact Editor Scott Brown at scottb1952@gmail.com



>> **We Need Your Help!!!** <<

Why You Should Join Michigan Waterfront Alliance?

Do you care for your lake, river, or stream? Do you care enough to contact your state senator or representative about issues that affect your waterbody? Do you keep track of the bills that are important to your lake, river, or stream? The good news is that Michigan Waterfront Alliance (MWA) is doing this for you. MWA hires a lobbying firm to keep track of issues and bills which may affect Michigan's waterfronts, and remain in constant contact with senators and representatives. These lobbyists have relationships with those serving in our state legislature, willing to present bills that MWA would support to help protect Michigan's inland waterways, and help to defeat bills that may be detrimental to our waterways. There is an old saying that "you can't fight city hall." This may be true if you do not know how, but with the help of MWA's attorneys, MWA has the experts that know how to deal with legal issues. 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 of Directors is made up of volunteers, it is expensive to hire lobbyists and attorneys. The Michigan Waterfront Alliance membership is made up of individuals, lake associations, and corporations who care about Michigan's lakes, rivers, and streams. Would you like to be more involved? You can by becoming a member of Michigan Waterfront Alliance and by becoming an active partner in MWA. Membership in MWA is inexpensive:

**We rely entirely on membership dues to fund
the operating costs of our organization...**

**TO BECOME A MEMBER OF
MICHIGAN WATERFRONT ALLIANCE VISIT OUR
>>>>> MEMBERSHIP PAGE <<<<<**

Annual Dues are:

\$50 for an individual;

\$100 for a lake association; and

\$200 for a corporation

With support from individuals like you, lake associations, and corporations, we can continue to work together as a unified voice choosing to protect Michigan's water resources for future generations. Thank you for your consideration!!!



Join Michigan Waterfront Alliance!

- Are you tired of funding the management of aquatic invasive species on your lake that were introduced by recreational boaters using the local MI Department of Natural Resources public boating access site?
- Are you just a bit angry that recreational boaters using your lake are not being asked to contribute their fair share to combat the negative influences of aquatic invasive species?

- Are you worried about the fact that your lakefront residential property values are being negatively influenced by the steadily increasing presence of aquatic invasive species?
- Are you concerned about the fact that it is nearly impossible to find an inland lake in Michigan that does not currently host one or more potentially harmful aquatic invasive species?
- Are you aware of the fact that inland lakes are Michigan's most valuable natural resource, and that our state legislature has thus far appropriated almost nothing in the way of budget resources to help ensure they remain healthy and viable?

If your answer is yes to any of these important questions, please help ensure that your voice is heard in Lansing by joining Michigan Waterfront Alliance today.

[Click here to Join MWA](#)

Visit the Michigan Waterfront Alliance Web Site by Clicking Here

[Unsubscribe](#)

This message was sent to olivia.kasle@gmail.com from scottb1952@gmail.com

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Chelsea, MI 48118-1261

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