
Michigan Waterfront Alliance Update for Friday, April 1, 2022

1 message



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



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.



Photo by W. S. Brown

IF NOT YOU, THAN WHO???

>>>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!

For more information, please read President Bob Frye's article that appeared in the February 1st, 2022 edition of our e-newsletter...

>>> 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**

MICHIGAN INLAND LAKES CONVENTION:

PROTECTING LAKES TODAY FOR TOMORROW

SAVE THE DATE
September 14-16, 2022
Virtual via Zoom

For more information, visit <https://bit.ly/milc2022>



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY



WEBINAR

**Shoreline trends and best management practices
for Lake Charlevoix**

Tuesday, April 12 / 1:00 - 3:45 P. M.

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) is hosting this webinar to provide background and historical analysis of Lake Charlevoix shoreline development as well as the current recommended strategies for sustainable shoreline protection. Traditional methods of hard armoring along inland lake shorelines have reduced shoreline habitat and degraded water quality. Attend this webinar to hear considerations for determining the best shoreline protection method at your property and information on keeping Lake Charlevoix healthy. This webinar will be recorded and posted online when available.

Agenda

- 1:00 - 1:30: Background and importance of natural shorelines – Eric Calabro (EGLE)
- 1:30 - 2:15: Cumulative impacts and Lake Charlevoix trends:

Shoreline and wetland trends – Chad Fizzel (EGLE)

Lake Charlevoix examples – Joe Haas and Anne Garwood (EGLE)

- 2:15 - 2:30: Questions and break
- 2:30 - 3:00: Shoreline protection strategies and natural shoreline design –

Jennifer Buchanan (Tip of the Mitt Watershed Council)

- 3:00 - 3:30: Shoreland Stewards – Julia Kirkwood (EGLE)
- 3:30 - 3:45: Questions and closing remarks – Eric Calabro (EGLE)

Registration and Information

Michigan.gov/EGLEevents

PROGRAM QUESTIONS:

Eric Calabro: CalabroE@Michigan.gov

REGISTRATION QUESTIONS:

Joel Roseberry: RoseberryJ@Michigan.gov

Alana Berthold: BertholdA@Michigan.gov

Individuals needing language assistance or accommodations for effective participation at this event should contact Joel Roseberry at 517-599-9494 by March 29 to request language, mobility, visual, hearing, translation, and/or other assistance.

EGLE does not discriminate on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation in the administration of any of its programs or activities, and prohibits intimidation and retaliation, as required by applicable laws and regulations.



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.

NotMISpecies Webinar Series

Invasive species pose a threat to Michigan's environment, economy, and sometimes even human health. What is at stake? What is being done? [This webinar series](#) explores how agencies, universities, and locally-led organizations are working together to protect Michigan's natural resources through the Michigan Invasive Species Program. If you are concerned about the impacts of invasive species or

interested in the techniques used to control them, join us as we examine species-specific actions, innovations in research and technology, and programs designed to help communities prevent and manage harmful invasive species. A question and answer period will follow each presentation. You can view webinar recordings on the [NotMiSpecies Webinar Series page](#).

Upcoming webinars in the series

April 14 / 9:00 - 10:00 a.m.

New name, familiar pest: Preparing for *Lymantria dispar* (formerly known as Gypsy moth)

Join an expert panel to explore how *Lymantria dispar* (formerly Gypsy moth, newly-named spongy moth) became a naturalized resident in Michigan's forests. Dr. Deborah McCullough from Michigan State University, Dr. Steven Katovich of the United States Department of Agriculture's Forest Service, Susie Iott of the Michigan Department of Agriculture and Rural Development, and James Wieferich of the Michigan Department of Natural Resources will cover the unusual history of the spongy moth in the United States and here in Michigan, and what you can do to reduce some of the unpleasant impacts of an outbreak. You'll learn tips to help stressed trees recover from defoliation and options to help reduce the nuisance around your home.

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](https://michigan.gov/EGLEevents)

REGISTRATION QUESTIONS:

Joel Roseberry: RoseberryJ@michigan.gov

Alana Berthold: BertholdA@michigan.gov

Individuals needing language assistance or accommodations for effective participation at these events should contact Joel Roseberry at 517-599-9494 at least two weeks before each event to request language, mobility, visual, hearing, translation, and/or other assistance.

EGLE does not discriminate on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation in the administration of any of its programs or activities, and prohibits intimidation and retaliation, as required by applicable laws and regulations.



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY



FOR IMMEDIATE RELEASE

March 1, 2022

EGLE Media Office, EGLE-Assist@Michigan.gov, 517-284-9278

Tamara Lipsey, Aquatic Biologist, LipseyT@Michigan.gov, 517-342-4372

MiCorps Cooperative Lakes Monitoring Program Training Open for Enrollment

The Michigan Clean Water Corps ([MiCorps](#)), a network of volunteer monitoring programs that collect and share surface water quality data statewide, is accepting enrollments for the 2022 Cooperative Lakes Monitoring Program (CLMP) season.

Training will take place on-line May 10, 2022.

CLMP volunteers monitor water quality, invasive species, and habitat conditions in Michigan lakes. Volunteers receive detailed instructions, training, and equipment,

and the data they collect are added to the [MiCorps Data Exchange](#), a public database that includes CLMP lake information dating back to 1974.

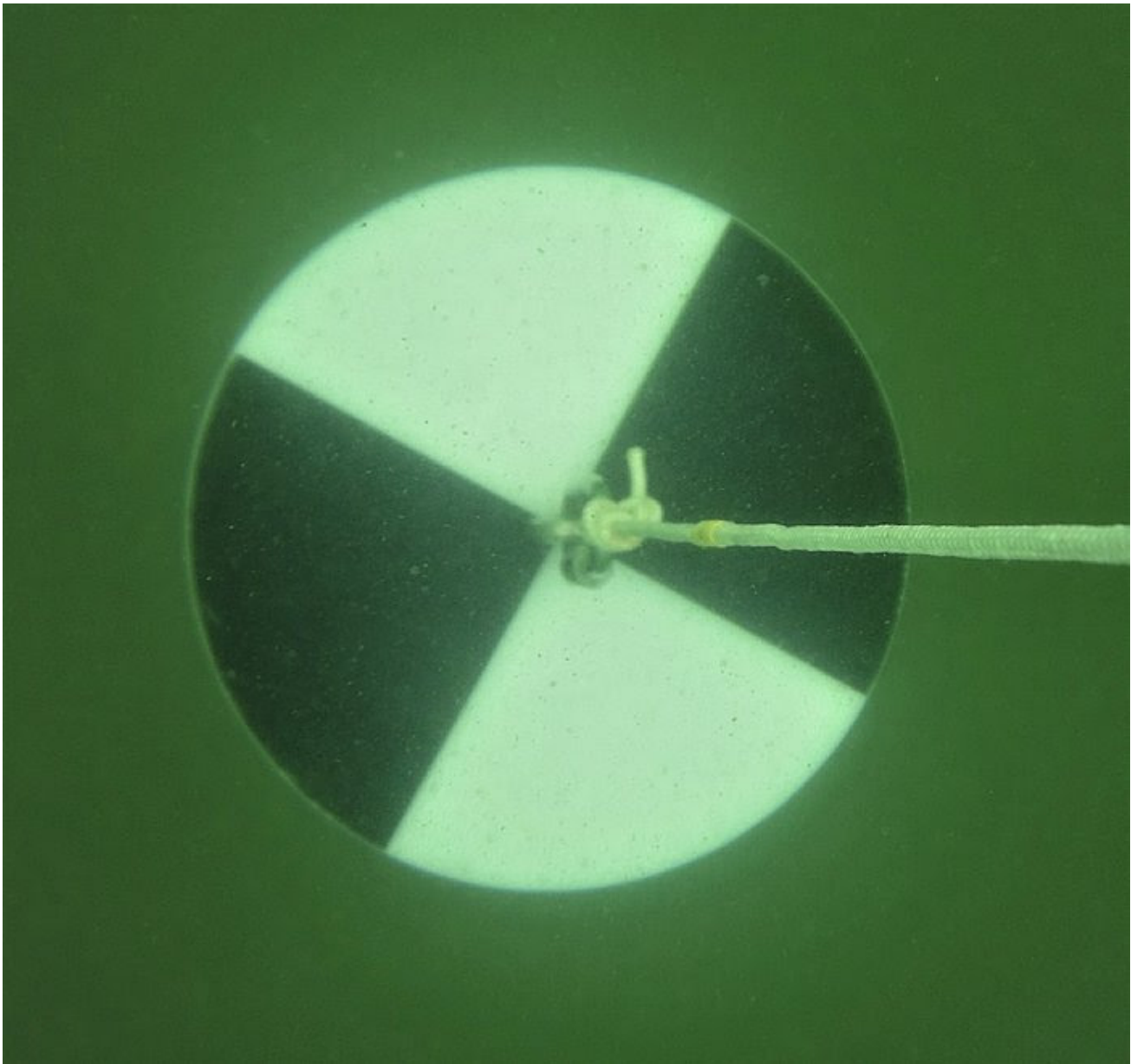
Interested volunteers are encouraged to enroll early, as some program options have March enrollment deadlines. Other options allow enrollment into May and into the summer. Find details on the [CLMP Enrollment Web page](#).

CLMP volunteer training is required for new volunteers, and experienced volunteers are always welcome. Anyone interested in learning more about the CLMP is invited to participate regardless of their intent to enroll a lake and conduct monitoring this year. There is no charge to participate in the training, although [registration](#) is required to receive the link to this online event.

Direct questions about the CLMP to Erick Elgin, Michigan State University Extension, at 218-340-5731 or ElginEri@MSU.edu; or Tamara Lipsey, Water Resources Division, Michigan Department of Environment, Great Lakes, and Energy (EGLE), at 517-342-4372 or LipseyT@Michigan.gov.

EGLE established MiCorps in 2004 to engage the public in collecting water quality data for use in water resources management and protection programs. Michigan State University administers MiCorps for EGLE, in partnership with the Michigan Lakes and Streams Association and the Huron River Watershed Council.

To stay up to date on other EGLE news, follow us at Michigan.gov/MIEnvironment.



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

Training and Outreach

WEBINAR

**The Michigan Shoreland Stewards Program:
Does your inland lake property qualify?**

Wednesday, April 13 / 2:00 - 3:00 PM

Do you know what the greatest threat to the overall health of Michigan inland lakes is? Did you guess nutrients? According to the National Lake Assessment (NLA), your guess would be wrong. The correct answer is the loss of nearshore habitat – both on the land and in the lake. Luckily for Michigan's inland lakes, lakefront property owners can help change this trend through the practice and implementation of lake-friendly landscaping and erosion control methods.



The [MI Shoreland Stewards Program](#) is a way for property owners to determine if they are using best practices to protect their lake. In this webinar, Julia Kirkwood with the Michigan Department of Environment, Great Lakes, and Energy's (EGLE's) Nonpoint Source Program and chair of the [MI Natural Shoreline Partnership](#) will discuss how you can use the program to assess your inland lake property, determine if it qualifies, and how you can receive some general recommendations on improvements to your nearshore habitat.

This webinar will be recorded and made available after the event.

[Michigan.gov/EGLEevents](https://michigan.gov/EGLEevents)

PROGRAM QUESTIONS:

Julia Kirkwood: KirkwoodJ@Michigan.gov

REGISTRATION QUESTIONS:

Alana Berthold: BertholdA@Michigan.gov

Joel Roseberry: RoseberryJ@Michigan.gov

Individuals needing language assistance or accommodations for effective participation at this event should contact Joel Roseberry at 517-599-9494 by April 1 to request language, mobility, visual, hearing, translation, and/or other assistance.

EGLE does not discriminate on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation in the administration of any of its programs or activities, and prohibits intimidation and retaliation, as required by applicable laws and regulations.



Join Our Team

Huron Pines is accepting applications for an Aquatic Invasive Species (AIS) Survey Specialist to implement priority conservation initiatives throughout NE lower Michigan by conducting invasive species surveys of aquatic systems with a focus on Michigan Watch List species, European frog-bit. This is an at-will, seasonal, non-exempt position running from May 23, 2022 to Aug 31, 2022.

How to Apply

1. Read the full position description with qualifications below.
2. Send an email indicating you are applying for the AIS Survey Specialist position, along with a cover letter, resume and three references in PDF format to info@huronpines.org.

This rolling application will be open until the positions are filled.

Aquatic Invasive Species (AIS) Survey Specialist

SCOPE AND PURPOSE OF WORK: The main goal of the Aquatic Invasive Species (AIS) Survey Specialist is to conduct invasive species surveys of aquatic systems with a focus on the Michigan Watch List species: European frog-bit. AIS Survey Specialists will additionally survey for other emergent and adjacent terrestrial priority species including but not limited to invasive phragmites, purple loosestrife, and Japanese barberry. AIS Survey Specialists will be completing tasks as a part of the [Huron Coastal and Huron Heartland Invasive Species Networks](#). These networks are a collaboration of local, state, and federal partners working together to address invasive species concerns across jurisdictional boundaries. The AIS Survey Specialists may also have the opportunity to participate in other activities as part of Huron Pines Stewardship Team such as conducting invasive species mechanical and/or chemical treatments, participating in educational events, collecting native plant seeds, and additional invasive species survey efforts. We are looking for motivated individuals that will be strong team members, help problem solve, be able to work efficiently and confidently without direct supervision and maintain a high level of professionalism both in the field and office setting. Students working toward related biology degrees are highly encouraged to apply.

HURON PINES: Huron Pines is a nonprofit conservation organization with a mission to conserve and enhance Northern Michigan's natural resources to ensure healthy water, protected places and vibrant communities. Our vision is conservation driven by engaged, empowered communities. Our culture is one of mutual respect, spirit of collaboration and commitment to high-quality work. The AIS Survey Specialist will help Huron Pines implement priority conservation initiatives throughout NE lower Michigan.

LOCATION: Huron Pines' office in Gaylord.

[Click here](#) for more information



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!!!



**Michigan Waterfront Alliance
is a proud member of the
Michigan Inland Lakes Partnership**

**A Collaborative Partnership Dedicated to Protecting
Michigan's Vast Heritage of High Quality Inland Lakes**

The Michigan Inland Lakes Partnership (MILP) is made up of a broad range of organizations and agencies that have a common interest - protecting inland lakes. Explore this site to learn more about Michigan's lakes, the organizations involved with the Partnership, and how you can be a part of the effort. You can also follow us on [Facebook](#) and [Twitter](#)!

Michigan has more than 11,000 inland lakes. Most are high quality resources highly valued by society for recreation and as places to live. These cultural demands place significant stresses upon these ecosystems, often resulting in undesirable

changes. How can these lakes be strategically managed to minimize undesirable changes and protect them for this and future generations?

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 will promote communication and cooperation between partners, communities and citizens interested in the management of Michigan's inland lakes, educating leaders, and strengthening stewardship efforts.

The MILP Coordinating Council is the decision-making body of the Partnership. The Council sets the goals of the Partnership, and all Council Partners have a vote in the activities and policies of the Partnership. The Council currently meets four times per year. Coordinating Council member organizations are listed alphabetically below. Clicking on an organization name will take you to that organization's website.

To learn more about the Michigan Inland Lakes Partnership, and its ensemble of inland lake protection focused collaborative organizations, [click here](#)



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

William Brown
Michigan Waterfont Alliance, Inc
[5989 Sibley Road](#)
Chelsea, MI 48118-1261

iContact
TRY IT FOR FREE ▶