
Michigan Waterfront Alliance Update for Monday, May 2, 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.

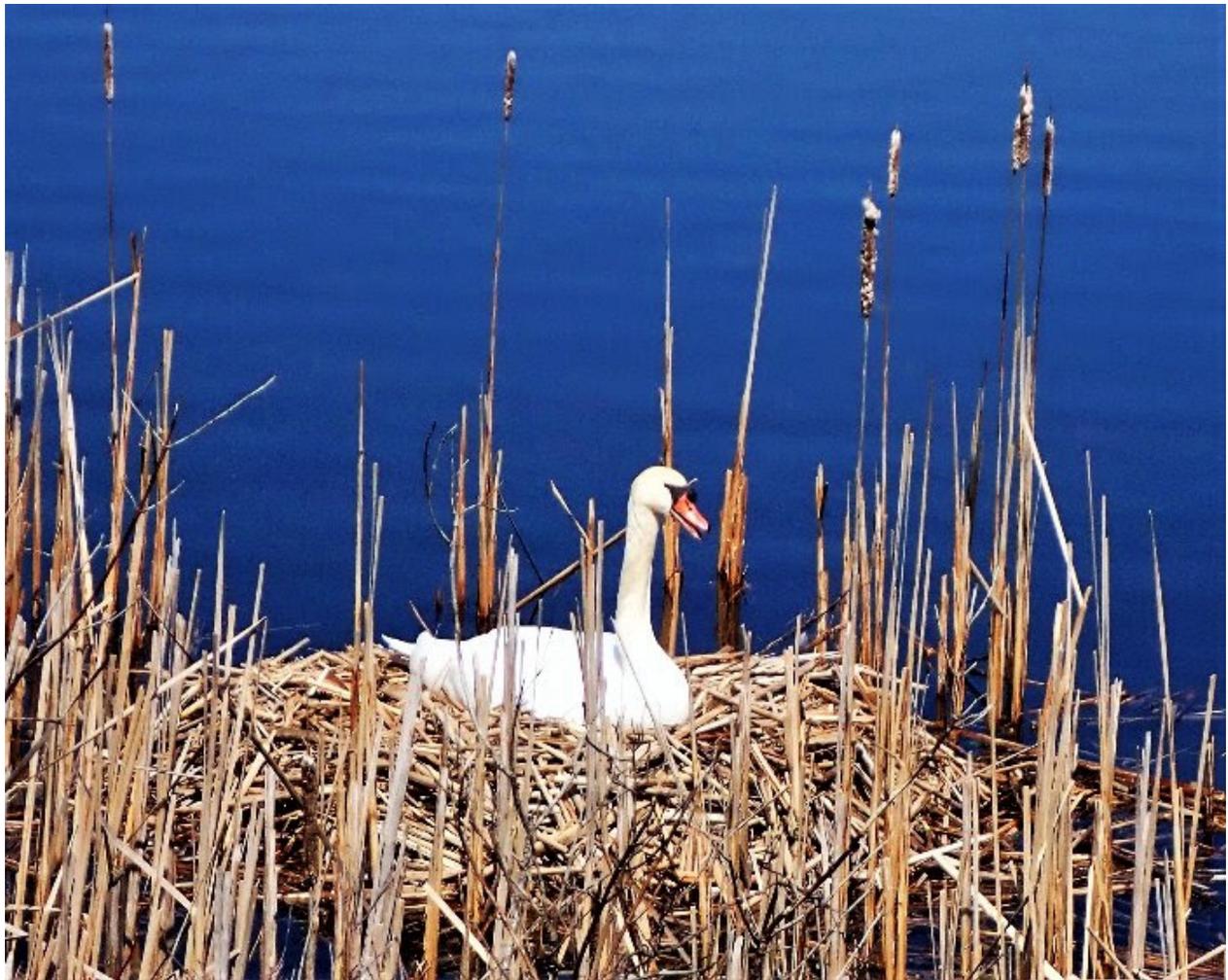


Photo by W. S. Brown



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Order

Michigan Supreme Court
Lansing, Michigan

March 4, 2022

Bridget M. McCormack,
Chief Justice

159033(36)

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

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

Plaintiffs-Appellants,

v

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

STATE OF MICHIGAN,
Defendant,

and

DEPARTMENT OF ENVIRONMENTAL
QUALITY,
Defendant-Appellee.

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

Handwritten signature of Larry S. Royster in black ink.

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):

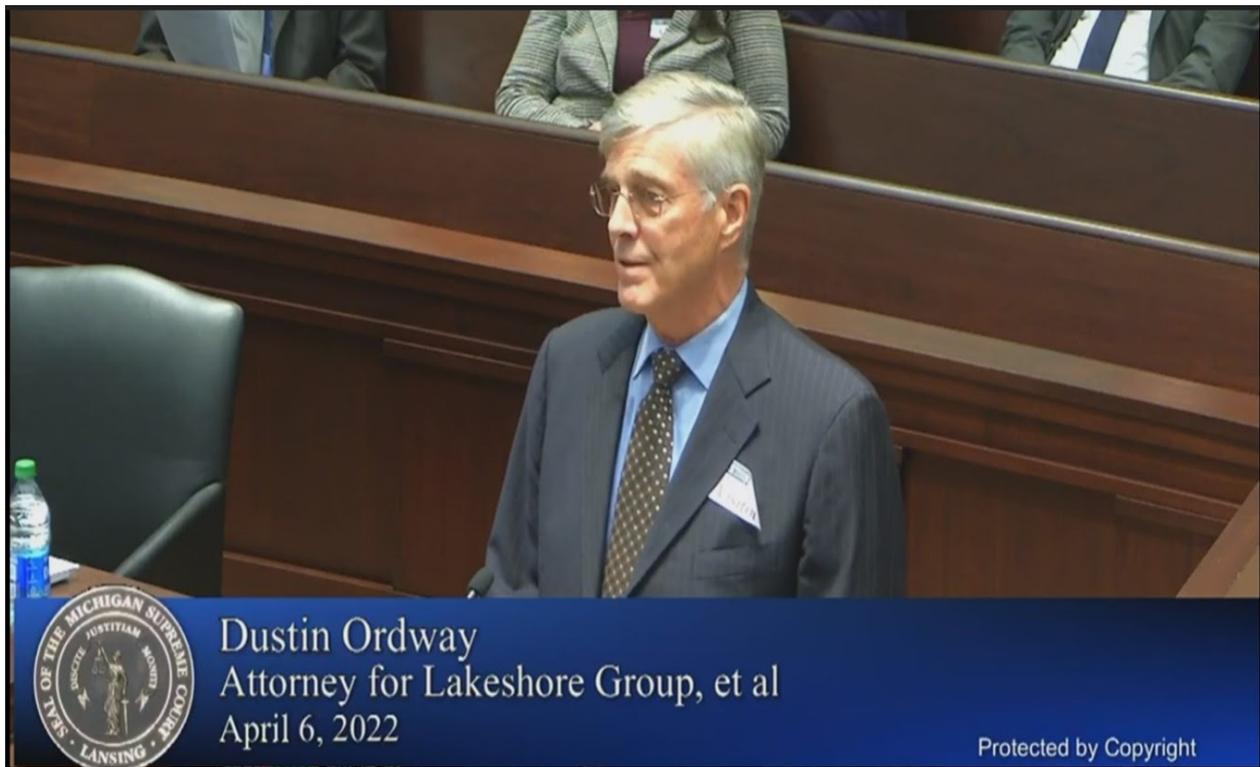
Michigan's EPA was the first legislation of its kind and has attracted worldwide attention. The act also has served as a model for other states in formulating environmental legislation. The enactment of the EPA signals a dramatic change from the practice where the important task of environmental law 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 occurred on April 6, 2022 (see below). 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
MICHIGAN'S EXTRAORDINARY FRESHWATER RESOURCES?**

**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



Legislative Update for May 2nd, 2022

Introduced to the Michigan State Senate recently by Senator Jon Bumstead (R - 34th Senate District), if passed into law as currently written, Michigan State Senate Bill 839 and Senate Bill 840 would enact far reaching and ultimately debilitating funding appropriation reductions to both the Michigan Department of Environment, Great Lakes, and Energy and the Department of Natural Resources.

Introduced to the Michigan House of Representatives by Representative Yousef Rabhi (53rd House District) and Representative Rachel Hood (76th House District), if passed into law as currently written, House Bill 5953 and House Bill 5954 would have effect of extending the Public Trust Doctrine to Michigan's vast groundwater resources. As applied to Michigan law, the public trust doctrine holds that the State

of Michigan must keep certain important public resources in trust and must ensure that these resources will always be available for public use.

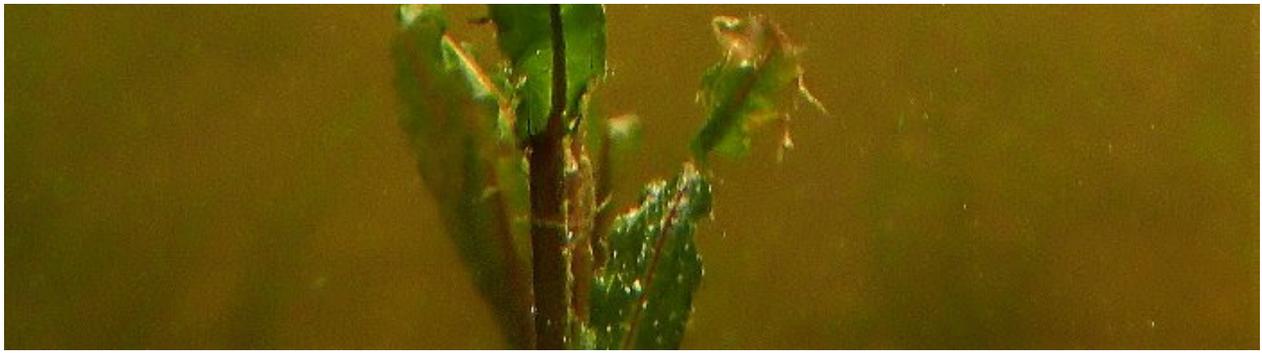


Photo by W. S. Brown

Lenawee County's Evans Lake







Photos by W. S. Brown

Exotic Invasive Curly-Leaf Pondweed: No Ordinary Aquatic Plant!!

Article by Scott Brown

Easily identified by long wavy 'lasagna-like' leaves, the abundantly growing native of Europe, Africa, and Asia commonly referred to as curly-leaf pondweed (scientific name: *Potamogeton crispus*) was one of the first exotic invasive submerged aquatic plants to make an inadvertent appearance in Michigan inland lakes over one hundred years ago. Now present in thousands of Michigan lakes, the highly invasive curly-leaf pondweed is well known for its extraordinary capacity to achieve rapid growth shortly after late winter/early spring ice-out in response to the onset of longer periods of daylight and water temperatures of as low as 41° F (5° C).

Curly-leaf pondweed is a rooted submerged aquatic plant whose optimal habitat consists of freshwater lakes, ponds, streams, and rivers where it is capable of growing to lengths in excess of 15 feet (4.57 meters), and of occupying the dimly lit outer edges of the littoral zone in depths of up to twenty-three feet (seven meters). It is also interesting to note that curly-leaf pondweed plants growing in deep water respond to the absence of light by growing much taller than their shallow water counterparts, in addition to the fact that curly-leaf pondweed meadows situated in deep waters are comprised of far fewer, though longer plants. Curly-leaf pondweed is widely recognized as one of the most common and highly adaptive aquatic plants on Earth due to its capacity to thrive in a variety of climates, to thrive in water temperatures ranging from as low as 41° F (5° C) to as high as 86° F (30° C), to grow in light intensities of less than 1% of total surface irradiance, and to grow in the brackish waters found in oceanic coastal estuaries.

The exceptional capacity to grow in low water temperatures and in light deprived conditions are considered competitive traits that have evolved in order to allow the cosmopolitan aquatic plant species to grow, mature, achieve dense growth, and generate reproductive turions much earlier in the summer than most native submerged aquatic plants. Exotic invasive curly-leaf pondweed growing in Michigan inland lakes usually achieves significant density by mid-spring, peak bio-mass by

late spring and early summer that also coincides with the formation of reproductive turions and seeds that occurs in response to the onset of longer periods of daylight and water temperatures greater than 50° F (10° C). The turions of curly-leaf pondweed respond to the onset of cooler waters that occurs in mid-fall by germinating, and creating the slow growing winter form of the extraordinary plant. Capable of achieving exponential reproduction rates, the aggressively growing exotic aquatic plant harms inland lake ecosystems by producing high volumes of vegetative bio-mass, and by depriving highly beneficial native submerged aquatic plant communities of the resources that are vital to their growth.



We need your help! We are still looking for a few more crew members for our mobile boat wash season. Crew members will spend the season traveling to different Michigan lakes, washing boats, and spreading the Clean, Drain, Dry message!

Interested applicants have one more week to apply! Applications can be sent in here: <https://careers.msu.edu/.../extension-program-worker...>





Photo by W. S. Brown



**Visit the
AIS Pathways Program**

web page by [clicking here](#)



Photo by W. S. Brown



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>



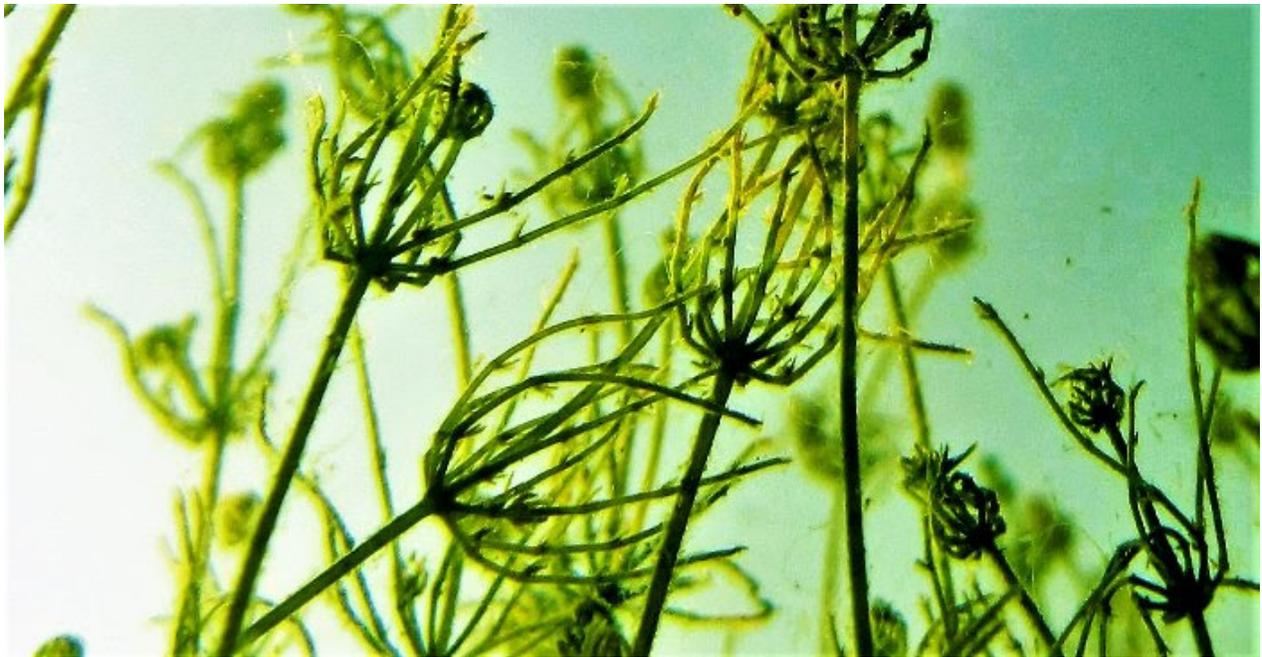


Photo by W. S. Brown

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 recently released Spring 2022 Edition of the

**Michigan Chapter
North American Lake Management Society Newsletter**

[Click here](#)



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY





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

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

 iContact
TRY IT FOR FREE ▶