



# MICHIGAN WATERFRONT ALLIANCE

## NEWSLETTER

### JULY 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,

1. The Michigan Natural Resources Environmental Protection Act amicus brief.

The MWA has a unique and compelling amicus position to present. The MWA is in a sincere position to advocate on the public trust position based upon its prior experiences with EGLE. MWA has worked 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, in good faith, 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.

Here is the link to the Supreme Court Oral arguments for the case:

[https://www.youtube.com/watch?v=y5s7B4\\_088E](https://www.youtube.com/watch?v=y5s7B4_088E)

The legal fees for this filing are substantial. Out of 37 MWA Lake Association members we have received Legal Fund Contributions to help cover the legal expense of this litigation from only 5 Associations. Please encourage your Lake Association to contribute.

2. Lobbying update. The lake sensitive Marketable Title act MCL565.101, Short term rental legislation, gravel mine permitting legislation all are in the preliminary stages and some may be addressed in the lame duck sessions after the Nov elections. The MWA lobbying effort to seek additional funding for the fight against Aquatic Invasive Species is having some success and it appears that approximately one million will be added to the effort this summer.

The MWA initiative of a “Fight AIS” voluntary contribution on boater registrations and registration renewals sounds so easy and simple, especially since all the boater surveys show strong willingness by boaters to contribute, that it would be a no brainer. Such is not the case, but the good news is that the Michigan Boating Industry Association legislative committee has given some qualified support as long as the contribution does not detract funding from other boating projects. The Michigan Boating Industry Association has asked the MWA to help inform its members of important Michigan boating news through the MWA e-newsletters. Nikki Polan, executive director of MBIA said an example would be for MWA to spread the word that using high content ethanol fuel (E15) in outboard engines is a bad idea. The MWA is pleased to pass on Michigan boating news in the MWA e-newsletters.

3. MWA / DNR Task Force - At the last Task Force meeting in 2021, the subject of local enforcement of AIS laws was discussed. Just to be clear Corporal Nick Torsky writes:

State statute (Part 413 boating regulations) can be enforced by fully-commissioned, MCOLES-certified peace officers with jurisdiction. Please see the article in this newsletter from Charlene Cornell. In addition to the enforcement topic of AIS, the Task Force Conversation revolved around available relief funds and current AIS needs. AIS signage is anecdotally lacking at local county/township sites, many of which are on lakes with AIS. If your Lake Association, Township or County would like to receive AIS prevention signage please call Kevin Walters, EGLE biologist, 616 250 8637 or email him at: [waltersk3@michigan.gov](mailto:waltersk3@michigan.gov)

4. This May the MWA voted to assist the Wenstrup and Marshall families, who have the support of the Lake Leelanau Lake Association, in their suit involving the *North Lake Leelanau Bathing Club LLC* keyhole by writing a letter to the State of Michigan in support of an enforcement action under Part 301. The requesting parties agreed that they would cover the legal fees for such a letter. The MWA has also been apprised of an effort on Lake Charlevoix of a movement headed by LuAnne Kozma to protect lake Charlevoix's shore land and prevent the creation of artificial channels to Lake Charlevoix, as well as the construction of a boat basin.

5. Mark your calendars! The Michigan Inland Lakes Convention: Protecting Lakes Today for Tomorrow will be held online 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. Your MWA is a Platinum sponsor and will host a number of the sessions including a question and answer lake legal session by Bill and Dane Carey and a morning group of sessions on the tremendous economic value of Michigan's Inland Lakes and streams introduced by myself and hosted by Scott Brown. Registration sign up will be sent via MWA E-newsletter once it opens up.

6. Please read the additional articles in this newsletter concerning: Inland lakes Convention (Scott Brown), Enhanced 314 Clean Lake program (Scott Brown), Amicus update (Bill and Dane Carey), Fundraising (Ed Highfield) Swimmer's Itch Update (Greg Semack), Local AIS Enforcement (Charlene Cornell), Governor Lakes Proclamation (Ralph Bednarz), Dues reminder and ballot (Dick Brown) and a Legislative Update (Matt Kurta MWA Lobbyist).

7. Please mark your calendar for Sept 27, 2022 for the MWA Annual Membership Meeting, which will be held in the Governor's room at Karoub Associates, 121 W Allegan St in Lansing. At 10 am. Also be sure to vote for the included MWA board of Directors ballot.

Sincerely,

Bob Frye, MWA President



## **MWA Legislative Update – July 2022**

Matt Kurta

[www.karoub.com](http://www.karoub.com) | [mkurta@karoub.com](mailto:mkurta@karoub.com)

After weeks of negotiations with the Whitmer Administration, the Michigan Legislature adjourned for the summer after passing a record-breaking \$76 billion Fiscal Year 2022-2023 state budget. House Bill 5783 contains appropriations for various state departments, while Senate Bill 845 appropriates education funding for schools, community colleges, and universities.

While Governor Whitmer and the Michigan Legislature have both proposed varying degrees of tax relief, negotiations will continue in the coming months as roughly \$7 billion of combined revenue in the School Aid and General Fund remains on table. With so much revenue available, it is likely that both sides come to some sort of an agreement on tax relief yet this year.

The budget agreement includes \$150,000 for the Department of Environment, Great Lakes, and Energy (EGLE) to continue contracting for operation of the Cooperative Lakes Management Program (CLMP). However, the budget unfortunately does not restore funding for the Inland Aquatic Invasive Plant

Species Eradication Program that was eliminated in the summer of 2020 due to anticipated revenue shortfalls from the onset of the coronavirus pandemic that never materialized. MWA will be working again this fall to identify opportunities to restore this funding.

With budget work now behind us, all eyes in Lansing are now focused on the upcoming August 2 Primary Election. With over half of the Michigan House to be completely new next year, due to term limits, competitive races in both the House and Senate, new legislative leaders, and competitive statewide general election races coming up in November, it is more important than ever to reach out to candidates and educate them on issues of importance to inland lakes and riparian property owners. Now is the best time to bend their ear while they are on the campaign trail, and even a short conversation this summer can pay dividends down the road when the candidate you educate becomes a state legislator. Please take a moment to reach out to those running for office, and thank you for all you do to support MWA and our legislative advocacy in Lansing.

### **MWA PRESENTS AMICUS BRIEF TO THE SUPREME COURT**

In January of this year, the MWA Board of Directors authorized its legal counsel, William and Dane Carey, to petition the Michigan Supreme Court to allow MWA to voice its opinion in a very important environmental law matter currently pending in *Lakeshore Group, et al v Michigan Department of Environmental Quality*. The legal issue (that MWA is interested in) is whether a private citizen or association can sue the State of Michigan or one of its agencies in state court to challenge the issuance of an environmental permit—like a boat ramp permit or marina permit.

MWA filed its petition and brief on February 22, 2022, taking the position that such permits should be subject to challenge if the issuance would be contrary to the public trust in Michigan waters or environmentally harmful. The Supreme Court granted MWA's petition on March 4, 2022. The Supreme Court then heard oral arguments on the application for leave on April 6, 2022. All the parties to this important matter are now anxiously awaiting a decision by the Court. Further action in this pending appeal will be reported through the MWA website and this newsletter.

### **Governor Whitmer Proclaims July 2022 as Lakes Appreciation Month in Michigan**

The U.S. Environmental Protection Agency in partnership with the North American Lakes Management Society (NALMS) promotes the value and health of the nation's lakes and reservoirs each year by designating July as Lakes Appreciation Month ([www.nalms.org/lakes-appreciation-month/](http://www.nalms.org/lakes-appreciation-month/)). Part of this promotion is for the nation's Governors to recognize the value of the lakes in their state by issuing a proclamation for Lakes Appreciation Month in their state. The Michigan Chapter of NALMS along with the Michigan Inland Lakes Partnership worked with the Governor's office on issuing the July 2022 Lakes Appreciation Month Proclamation.

Michigan is very fortunate to have over 11,000 inland lakes and over 3,000 miles of Great Lakes shoreline. The quality of Michigan's inland lakes is ranked among the highest in the nation. However, invasive species, nutrients and other stressors continue to threaten these lakes and shorelines.

The Michigan Department of Environment, Great Lakes and Energy (EGLE) and Department of Natural Resources (DNR) have programs to monitor lakes, manage the fisheries, permit nuisance plant control activities and promote best land management practices at the shorelines and on the shore lands. Through the Michigan Clean Water Corps (MiCorps), hundreds of community volunteers are organized and trained to monitor their lakes every year; bringing education, resources and assistance to lake properties and their owners across the state.

The Michigan Chapter of NALMS, a statewide lake organization for professionals and practitioners, engages in a collaborative effort to ensure the quality, sustainability and ecological diversity of lakes, while considering society's needs ([www.mcnalms.org/](http://www.mcnalms.org/)).

We need to continue to encourage all citizens and communities to actively participate in the protection and preservation of our lakes and lake shorelines.

By: Ralph Bednarz, MWA and McNALMS Board Member

### **Local Aquatic Invasive Species Law Enforcement**

In the spring Public Safety meeting in the Roscommon/Higgins Lake area, there was a discussion regarding local Aquatic Invasive Species (AIS) enforcement, as clarification of some misinformation on enforcement had been received. The Undersheriff of one township and Chief of Police of the other provided clarification of local AIS enforcement.

Corporal Nicholas Torsky of the Department of Natural Resources Law Enforcement Division's Great Lakes Enforcement provided corroboration. Here is the clarification from Corporal Torsky:

**State statute (Part 413 boating regulations) can be enforced by fully commissioned, MCOLES-certified peace officers with jurisdiction.** That includes:

- COs
- Troopers
- Local deputies, township police, etc., working within their jurisdiction

It CANNOT be enforced by:

- Park rangers
- Local ordinance officers, township officials, etc. NOT commissioned as peace officers.
- Marine deputies hired by local sheriff departments to enforce a limited scope of boating regulations who are NOT commissioned as peace officers.

## Swimmer's Itch 2022

There are two significant things to report relating to Swimmers Itch (SI) in Michigan this season. The first is that due to what the DNR describes as a highly pathogenic avian flu that has already affected both wild birds and commercial flocks, relocation of merganser ducks will not be permitted this year. So for 2022, lakes that have had success reducing Swimmers Itch using this system will not be trapping and relocating merganser broods. Since 2015, both Crystal Lake and Higgins Lake have been relocating merganser broods with great success, continually reducing the incident of SI on their lakes. Other lakes have used this system in the past and they too will not be allowed to use this method for controlling SI this season. How this will affect those programs this summer remains to be seen.

The second item of note is that research done last summer, sponsored by Higgins Lake Swimmers Itch Organization (HLSIO) and conducted by Swimmers Itch Solutions and Calvin University has determined that a recently-discovered 'new' parasite that uses Canada geese and Helisoma (Planorbella) snails is quite



**Michigan Waterfront Alliance is pleased to be a Platinum Level Sponsor of the 2022 Lakes Convention!**

**Mark your calendars!**

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

will be held online

**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.

[Sign up for our email list to get a notification when registration opens.](#)

**Draft Agenda Now Available!**

We're pleased to present the [draft Convention agenda](#) (updated June 21, 2022). For more details on each session, see our [current list of abstracts](#), sorted by speaker last name (updated June 22, 2022).

Visit <https://www.canr.msu.edu/michiganlakes/convention/> for more info regarding the 2022 Michigan Inland Lakes Convention.

poor at causing swimmer's itch and not the threat it was touted as by others earlier! In a direct comparison, Swimmer's Itch Solutions placed 5 drops of the 'old' parasite that uses common mergansers and Stagnicola snails on one arm and 5 drops of the 'new' parasite on the other arm of 24 volunteers. They only observed 2 papules from the 'new' parasite in the entire study, and the data analyses reveal that the 'new' parasite is 40 times less likely to cause swimmer's itch because it is less able to penetrate human skin. Therefore, the new parasite probably does not cause many swimmer's itch cases and lakes need to be much more concerned about the parasite that uses mergansers! To see the summary abstract of the article please use the following link:

<https://www.mdpi.com/2076-0817/11/6/651>.

Note: the original earlier paper describing the 'new' parasite as a threat did so based on a single papule on one person (out of 4 people who were exposed multiple times to the 'new' parasite). So, the results of the two studies are actually pretty consistent!

Greg Semack  
President, Higgins Lake Swimmers Itch Organization

**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.

**YOUR 2022 MEMBERSHIP IS DUE NOW! Unless you paid already this past January!**



**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:

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 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	_____
<b>Total Enclosed \$</b>	<b>_____</b>

Jul 22

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 latest MWA news, go to: [michiganwaterfrontalliance.com](http://michiganwaterfrontalliance.com) and look under “News”



## SUMMARY MWA MEETING(S)

### MICHIGAN WATERFRONT ALLIANCE, INC. BOARD MEETING

May 25, 2022 –10:00 am –  
ZOOM

Minutes (unapproved)

1. Meeting called to order. Present were R. Brown, S. Brown, D. Carey, Wm Carey, R. Frye, E. Highfield, R. Bednarz, N. Beckwith & C. Cornell.
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 in person at Karoub 9/27/22 10:00 am
4. Meeting adjourned at 12:30 pm

**Fill out the enclosed Green  
Envelope &  
Take a copy of the MWA  
membership form on page # 7 and  
share with your friends and  
neighbors.**

**MICHIGAN WATERFRONT  
ALLIANCE,  
ONLY THROUGH  
YOUR ACTIVE INVOLVEMENT,  
IS YOUR LAKE PROTECTED.**

**Make a difference!  
It's an investment that pays off!**

Lobbyists are NOT FREE, but individual membership in MWA is a relatively inexpensive investment; 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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