



# MICHIGAN WATERFRONT ALLIANCE

## NEWSLETTER

### JANUARY 2023

<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 Waterfront Alliance (MWA) Board is excited to share with you some information about an advocacy campaign for restoring funding to, and enhancing Section 314 of the Clean Water Act (CWA), formerly known as the Clean Lakes Program. Please read the article in this newsletter and help restore the funding!
  2. Regarding the Michigan Natural Resources Environmental Protection Act amicus brief. The results are positive! The MWA made the best of a unique and compelling amicus position to present. Please read the article in this newsletter by Dane Cary. Thank you to every contributing lake association and individual member for their support for this legal effort! The contributions successfully covered the legal fees.
  3. 2023 Lakes Appreciation Day, May 18, 2023, 11:30 to 1:30, Karoub Associates 121 W Allegan St., Lansing. Presented by: Michigan Waterfront Alliance. Please see the article in this newsletter by MWA Board Member Ralph Bednarz for this very important event.
  4. Lobbying update. Please see the report in this newsletter from MWA Karoub Associates Lobbyist, Matt Kurta
  5. Since our MWA summer newsletter, the MWA / DNR AIS Task Force met on Aug 16, and Oct 18. Please see the AIS program needs article within this newsletter. In addition to identifying the program needs, discussion continues on the viability of facilitating the "Fight the Battle Against AIS" volunteer contributions. Your Michigan Waterfront Alliance Board recommends the funds collected be used for:
    1. Enforcement - currently the majority of AIS enforcement funding comes from Federal government grants. The Michigan boaters have been hearing the Clean Drain and Dry messaging long enough to know that AIS is a serious threat. Enforcement of AIS law can only incentivize boaters to do the right thing and Clean, Drain and Dry.
    2. Establishing a “Boat Clean Drain and Dry” inspection / certification protocol for 3rd party vendors (such as boat yards, marinas etc.) to professionally Clean, Drain and Dry boats and provide the boater dated proof that their boat is AIS free.
    3. Strengthen the Clean Drain and Dry marketing campaign
    4. Create a cost of remediation match funding program to help lake associations and local units of government cover their costs fighting and remediating AIS.
  6. Additionally, the MWA board voted that the MWA go on record as opposing the 150,000+ acre expansion of National Guard Camp Grayling until there is more information regarding the safeguards to the lakes and streams that will be impacted by the expansion that more than doubles the size of what is now the largest
  7. MWA Board member Nancy Beckwith volunteered to contact Senators Stabenow and Peters to inquire if any action at Federal level regarding the impact of microplastics (Plastic debris can come in all shapes and sizes, but those that are less than five millimeters in length (or about the size of a sesame seed) are called “microplastics.”) on Michigan’s Inland lakes and streams.
  8. Please read the additional articles in this newsletter concerning: Swimmer’s Itch Update (Charlene Cornell) and Dues reminder (Dick Brown)
- Your membership means a great deal to the current and future protection of all of Michigan’s Lakes and Streams.

Thank you in advance for your support,

Bob Frye, MWA President .



## **MWA Legislative Update – January 2023**

Matt Kurta

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

As the calendar has turned to January, new members of the Michigan Legislature have been sworn in and are awaiting the start of the new 2023-2024 legislative session. As we wait for session to start officially on January 11, a recap reminding us exactly of what happened in November is timely. In a historic election few could have predicted, Democrats not only retained the offices of the Governor, Attorney General and Secretary of State, but also flipped control of the Michigan Senate and House of Representatives.

In statewide races, Governor Gretchen Whitmer won reelection by an unofficial margin of 54.5% to Republican Tudor Dixon's 43.9%. Attorney General Dana Nessel defeated Republican nominee Matt DePerno 53.2% to 44.5%, while Secretary of State Jocelyn Benson defeated Republican nominee Kristina Karamo 55.9% to 41.9%.

The Governor's 10+ point margin of victory and new legislative districts drawn for the first time by the Michigan Independent Citizen's Redistricting Commission (ICRC) established by voter approval of Proposal 2 of 2018 aided legislative Democrats as they won control of both chambers of the Michigan Legislature for the first time since 1984. While control of the Michigan House has flipped between the parties over the years, the Michigan Senate has been controlled continuously for 39 years by Republicans since the recall of two Democratic State Senators over an income tax increase back in 1983. The ascension to the majority by Senate Democrats caps a stunning reversal for a party that was in a 27-11 super-minority status barely four years ago. Democrats gained five seats in 2018, narrowing the Republican majority to 22-16, and in 2022 Democrats gained an additional four seats to take the gavel in January with a slim 20-18 majority. Democrats will be led by incoming Senate Majority Leader Winnie Brinks (R-Grand Rapids) while Republicans will be led by Sen. Aric Nesbitt (R-Porter Twp.).

After 10 years in the minority, Democrats will assume control of the Michigan House in January after more than a decade of minority status. The current Republican majority of 56-53 will turnover to a slim 56-54 Democratic majority in January. The incoming Speaker of the House is Rep. Joe Tate (D-Detroit) and incoming House Republican Leader is Rep. Matt Hall (R-Comstock Twp.).

Legislative turnover this cycle is also greater than in years past, with 57 new members in the House (3 of whom are current State Senators) and 16 new members in the Senate (12 of whom are current or former State Representatives), not to mention brand new committee chairs in each chamber.

Three ballot proposals amending the Michigan Constitution passed on Election Day:

Proposal 1 enacts financial disclosure and transparency requirements for legislators and modifies legislator term limits. The term limits change, in particular, would reduce the number of years legislators could serve from 14 to 12, but allow those 12 years to be served in either the House and Senate, compared to current limits of three two-year terms in the House and two four-year terms in the Senate. Proposal 1 passed by a yearly two-thirds margin, 66.5% to 33.5%, and was approved in all but four Michigan counties.

Proposal 2 enshrines various voting reforms into the Michigan Constitution such as early voting and ballot drop box requirements and was approved 60% to 40%.

Proposal 3, entitled “Reproductive Freedom For All”, a response to the June Supreme Court *Dobbs* decision overturning the 1973 *Roe v. Wade* decision, was approved 56.7% to 43.3%.

Finally, the Michigan Supreme Court will continue to have a 4-3 makeup in favor of Democratic-nominated justices with Justices Richard Bernstein and Brian Zahra winning re-election in November and the appointment of State Representative Kyra Bolden (D-Southfield) to succeed Justice Bridget McCormack, a Democratic nominee who is choosing to retire from the bench. Justice Elizabeth Clement has been chosen by her colleagues as the next Chief Justice of the Michigan Supreme Court.

### So What Does It All Mean?

While Democrats and Republicans have traded control of the Governor’s office back and forth since the aforementioned 1983 recall elections, continuous Republican control of the Michigan Senate has represented a bulwark defending against various Democratic proposals for 39 years, and it is fair to say Democrats are enthused to make the most of their incoming opportunity. With Democrats taking somewhat surprise control of every facet of state government for at least the next two years, legislative activity this year will likely mean a number of issues will receive consideration that have been effectively buried or blocked for years, and some other issues will fade into the background. The big question on everyone’s mind in Lansing is how fast the incoming Democratic majorities will act on issues that may prove controversial in nature.

Voter approval of Proposal 1 will also be a “game changer” in Lansing. Recent Speakers of the Michigan House have only served for two years, largely due to Michigan’s term limits law limiting House members to a lifetime total of three two-year terms. In fact, since our term limits law took effect for the first time with legislators leaving office in 1998, only two Speakers of the House have served four-year terms, while six Speakers of the House have served two-year terms, including the last four Speakers. Partisan control, as always, will obviously be the deciding factor in who serves as Speaker every two years in the Michigan House, but passage of Proposal 1 opens the door for members elected this past November to serve for a longer duration than any of their colleagues elected since 1992. Whether or not this change will tip the balance of power between the House and Senate remains to be seen, but the opportunity certainly now exists for more continuity and experience in the House compared to years past, when members often were forced to consider opportunities to run for the Senate in order to continue public service in Lansing.

With respect to issues of importance to MWA, we’ve had a bit of a shuffle in Department Directors. Former DNR Director Dan Eichinger has moved over to EGLE to serve as Acting Director, and Shannon Lott, formerly Deputy Director of the DNR, has been appointed to serve as Acting DNR Director. We also believe the incoming Legislature is likely to bring an increased focus on environmental issues such as water quality, and as the state budget remains flush with revenue, we will continue to pursue funding to assist our members and preserve inland lakes throughout Michigan. As of this writing, we are still awaiting committee chairs, but anticipate those announcements will be made public in mid-January.

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

A founding objective of MWA was to use the legal system as one tool among many for furthering our mission. For over twenty years, MWA has sought to contribute to the creation and preservation of state laws and policies designed to protect, preserve, and promote the sustainable use of inland waters in Michigan. In 2022, MWA filed an *amicus curiae* brief with the Michigan Supreme Court to support the appellants’ application for leave to appeal in the momentous environmental law case of *Lakeshore Group v Department of Environmental Quality*.

The core issue in the *Lakeshore Group* case was whether private individuals and organizations, such MWA, can bring an action under the Michigan Environmental Protection Act (“MEPA”) against state agencies who make permitting decisions that may have an adverse environmental impact. This issue was particularly important to MWA in light of its recent efforts to curb the DNR’s opening of new lake access sites without appropriate systems to prevent the spread of aquatic invasive species.

In its brief, MWA took the aggressive position that the Supreme Court should overturn its controversial decision in *Preserve the Dunes, Inc. v Department of Environmental Quality* and restore MEPA to its former glory as the legislation that changed the environmental law landscape throughout the world by holding all actors, including state agencies, accountable for their actions affecting the environment.

Although four of the seven justices on the Court ultimately denied the appellants’ application for leave to appeal, the result was case-specific and paves the way for the eventual outcome for which MWA advocated. The three dissenting justices and Justice Bernstein, who wrote a separate opinion concurring with the majority’s decision, all expressed reservations about the way Michigan courts have interpreted MEPA. Justice Bernstein opined that the *Lakeshore Group* case was not the appropriate time to revisit this issue, but he made it abundantly clear that he would be inclined to clarify the Court’s precedent in an appropriate future case.

## ***Clean Lakes Support – Now’s the Time!***

*Ralph Bednarz, MWA Director and NALMS Region 5 Director*

The Michigan Waterfront Alliance (MWA) Board is excited to share with you some information about an advocacy campaign for restoring funding to, and enhancing Section 314 of the Clean Water Act (CWA), formerly known as the Clean Lakes Program.

When the Clean Water Act (CWA) was enacted in 1972, Congress explicitly acknowledged the importance of healthy lakes in Section 314. This voluntary Clean Lakes Program provided funds to help assess the water quality of lakes in a state or tribal jurisdiction, conduct diagnostic feasibility studies to identify the causes of pollution in the lake, implement projects to mitigate the problems, and carry out post-restoration monitoring studies. The Clean Lakes Program awarded \$145 million in grants through 1995. But Congress has appropriated no funds for the Clean Lakes Program since 1995, even though 45% of the nation’s lakes continue to be in poor condition as a result of nutrient enrichment and other stressors, according to the most recent [National Lakes Assessment](#).

Michigan was awarded a lake classification grant in 1980 which supported the state’s inland lakes water quality monitoring and assessment program. In addition to the lake classification grant support, Michigan was awarded 16 individual project grants: seven Diagnostic-Feasibility Studies (Phase I) awards, eight Restoration and Protection Implementation Projects (Phase II) awards, and one Post-Restoration Monitoring Studies (Phase III) award, during the time period of the Section 314 Clean Lakes Program financial assistance.

Another important part of the CWA is Section 319 Nonpoint Source Program that was established in the 1987 Amendments to the Act. Since 1990, the Environmental Protection Agency (EPA) has been providing financial support to states and tribes through Section 319 grants to implement their nonpoint source management programs. The EPA has encouraged states and tribes to use Section 319 funds to support the Clean Lakes Program work previously funded under Section 314. The use of Section 319 funds to support lakes-related projects varies widely by state and tribes but it has been reported in the range of 5-19%, far less than needed to keep the nation’s lakes healthy. Michigan does not track individual lake watershed projects supported with Section 319 grant funds.

Significant new funding needs to be allocated to support a coordinated effort to address the many threats to lake water quality and prevent further deterioration of existing healthy lakes.

The North American Lakes Management Society (NALMS) has been developing the elements of an advocacy campaign related to restoring funding to Section 314 of the CWA to once again allow for diagnostic-feasibility studies to be conducted on lakes across the country and to enhance the Clean Lakes Program by including funding for preservation and protection efforts for high quality waters.

### **NALMS recommends:**

- **Congress reauthorizes funding for the Section 314 Clean Lakes Program and significantly increases annual appropriations over previous funding levels.**
- **Revising the implementation of the Clean Lakes Program by adding a Healthy Lakes component to protect high quality lakes and prioritize lakes with significant cultural heritage value and lakes in communities where there are environmental justice concerns.**
- **Evaluation of existing programs like Section 319 Nonpoint Source Program, Healthy Watersheds, Urban Waters and 106 Monitoring Program to identify additional opportunities to advance lake restoration and protection.**

The NALMS 314 Working Group is taking the lead in developing materials to communicate with partner organizations and has engaged a college student intern for developing public outreach materials centered on the importance of the Clean Lakes Program and the value of lakes to the National, state and local economies, and the American way of life. The intent is for these materials to be used by lake advocates across the country to campaign for restoring funding to, and enhancing Section 314 of the CWA.

### **WHAT TO LOOK FOR IN SPRING 2023**

- Fact sheets, brochures and other informational resources geared to stakeholder groups related to this effort, and recommendations for mobilizing stakeholders.
- Packaged slideshows with narration for various audiences.
- A survey for state agencies and their collaborators on what is needed at the state level if funding is re-appropriated.
- A template letter for constituents to use in contacting their congressional representatives to express their support for re-funding and enhancing Section 314 of the Clean Water Act.

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To learn more background behind the NALMS 314 Working Group efforts, visit the [NALMS Enhanced 314 Clean Lakes Program](#) position statement.

## **Michigan Inland Lakes Partnership Activities Report for January 2023**

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. The primary mission of the Partnership is to promote collaboration to advance stewardship of Michigan's inland lakes. The purpose of the 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. To learn more about the mission and goals of the Partnership visit their website at <https://www.canr.msu.edu/michiganlakes/about/>

The Michigan Inland Lakes Partnership held a very successful virtual (on-line only) **Michigan Inland Lakes Convention** on Wednesday, Thursday, and Friday, September 14<sup>th</sup>, 15<sup>th</sup>, and 16<sup>th</sup>, 2022. **Michigan Waterfront Alliance** was a platinum level sponsor of this year's lakes convention. Attended by 350 people, the theme of this year's lakes convention was **Protecting Lakes Today for Tomorrow**, and included more than 45 presentations and workshops that were focused on specific issues such as fish management, landscaping near shorelines, lake protection and governance, algal blooms, native freshwater mussels, communications, policy, invasive species, lake restoration, and much more. Wednesday and Thursday also included keynote speakers who are regionally recognized for their contribution to the field of lake science and conservation. It is important to note that the **Michigan Waterfront Alliance** conducted a very well attended **Economic Contributions of Michigan's Inland Lakes** workshop as part of this year's lakes convention of Friday, September 16, 2022.

**YOUR MEMBERSHIP IS DUE NOW!**



**Membership Application**

(Dues for 2023 are due January 2023)

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

Please Print:

\_\_\_\_\_ ( ) \_\_\_\_\_ ( ) \_\_\_\_\_  
 Last Name First Name Day Phone Evening Phone

\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
 Street Address City State Zip Code Email Address

\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
 County Township Lake or Stream Association if established

List your top concern and return to MWA

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

Individual (\$50)	_____
Lake Assoc. (\$100)	_____
Corp. (\$200)	_____
Legal Assist. Fund	_____
<b>Total Enclosed \$</b>	<b>_____</b>

Jan 23

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

\*To view the MWA web site, go to the [michiganwaterfrontalliance.com](http://michiganwaterfrontalliance.com) and look under “News”

**2022 Swimmers Itch Summary**

SEP 14 2022 As I’m writing this it’s nearing the end of 2022. Here is a short summary of what affected the battle against Swimmers Itch (SI) this past season. It was an unusual year for people who had been using Trap and Release of common merganser ducks to control the problem on their lakes. Due to the advent of an avian flu, the DNR suspended permits for doing such in 2022. The effects of this suspension will be more evident in 2023, but for now the anticipation is that snail infections will be greater on lakes that had been using Trap and Release in the past, thus SI cases may be more numerous in those locations. The avian flu has been greatly reduced in the past few months but whether it will be gone entirely will not be known until spring. The effect of migration may also contribute to the 2023 viability of the flu, so this will be watched closely in the next few months. Whether the use of Trap and Release will be restricted again remains to be determined.

One thing that can be counted on is that the SI problem is greatest with common merganser ducks cycling with Stagnicola snails. Research has recently shown that the potential of SI from the Canada goose cycle with the Helisoma snail is much less than had been suggested in recent years. Concentrating on controlling common mergansers should be the focal point of keeping SI under control.



# LAKE

# AWARENESS      2023

# DAY

## *Celebrating Michigan's Inland Lakes*

The Michigan Waterfront Alliance along with key lake management organizations will host a Lakes Appreciation Day in Lansing as an informational event highlighting the significance and value of Michigan's vast inland lake resources and the need to protect them. Legislators and Governor's office staff along with influential lake association representatives are invited. The event will be an open forum including a light lunch and refreshments along with individual and small group interaction and information displays and handouts. Four focus areas will be highlighted:

- MI Lakes Quality and Quantity
- Economic and Ecological Value of MI Lakes
- Stressors and Impacts to MI Lakes
- Solutions and Support for MI Lakes Protection

**When: May 18, 2023**

**Time: 11:30-1:30 PM**

**Where: Karoub Associates**

**121 West Allegan Street, Lansing, MI 48933**

**MICHIGAN WATERFRONT ALLIANCE, INC**

A unified voice choosing to protect Michigan's high quality freshwater resources for future generations.

<https://michiganwaterfrontalliance.com>

## YOU CAN MAKE A DIFFERENCE

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

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



### SUMMARY MWA MEETING(S)

#### MICHIGAN WATERFRONT ALLIANCE, INC. BOARD MEETING

**Dec.6, 2022 –10:00 am –  
ZOOM**

Minutes (unapproved)

1. Meeting called to order. Present were R. Brown, S. Brown, R. Bednarz, Frye, Highfield, Wm Carey, Beckwith & Cornell.
2. Discussion of Agenda regarding Amicus Brief with cap on MWA risk not to exceed \$5000. Motion to file
3. January Newsletter was reviewed.
4. Microplastics and Camp Grayling were discussed.
5. Future meeting will be at Karoub 3/13/2023 10:00 am

6. Meeting adjourned at 1:00 pm

**Fill out the enclosed Green**

**Envelope &**

**Take a copy of the MWA**

**membership form on page # 6 and**

**share with your friends and**

**neighbors.**



**MICHIGAN WATERFRONT**

**ALLIANCE,**

**ONLY THROUGH**

**YOUR ACTIVE INVOLVEMENT,**

**IS YOUR LAKE PROTECTED.**

**Your Support Does**

**Make a difference!**

**It's an investment that pays off!**

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

**MICHIGAN WATERFRONT ALLIANCE**

P.O. Box 369, Fenton, Michigan 48430

Email: : [roberttfrye@gmail.com](mailto:roberttfrye@gmail.com)

**WEB SITE:**

<https://michiganwaterfrontalliance.com/>

**Michigan Waterfront Alliance**

**Board of Directors:**

**Officers:**

President **Robert Frye** Ph 989-821-6661

Email: [roberttfrye@gmail.com](mailto:roberttfrye@gmail.com)

Vice President **Richard Brown** Ph 810-629-5964

Email: [Richardb7@prodigy.net](mailto:Richardb7@prodigy.net)

Secretary **Nancy Beckwith** Ph 616-459-6536

Email: [1beckwi@sbcglobal.net](mailto:1beckwi@sbcglobal.net)

Treasurer **Ed Highfield** Ph 231-972-2190

Email: [edhighfield70@gmail.com](mailto:edhighfield70@gmail.com)

**Directors:**

**Ralph Bednarz** Ph 517-974-1667

Email: [ralphbednarz@comcast.net](mailto:ralphbednarz@comcast.net)

**Scott Brown** Ph 517-914-1684

Email: [scottb1952@gmail.com](mailto:scottb1952@gmail.com)

**William Carey** Ph 989-348-5232

Email: [wcarey@carey-jaskowski.com](mailto:wcarey@carey-jaskowski.com)

**Dane Carey** Ph 616-450-2177

Email: [wdcarey2022@gmail.com](mailto:wdcarey2022@gmail.com)

**Charlene Cornell** Ph 216-337-8268

Email: [charlenehcornell@gmail.com](mailto:charlenehcornell@gmail.com)

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For more information, contact Editor Dick Brown



Michigan Waterfront Alliance  
PO Box 369  
Fenton, MI 48430

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here

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