# STOP THE ASSAULT ON PUBLIC ACCESS TO MICHIGAN LAKES

# Facts About Tourism in Michigan

Tourism in Michigan contributes more than $2.4 billion, annually, in federal, state and local tax receipts.

- Six percent of every tourism dollar goes into the state treasury in the form of sales tax receipts.

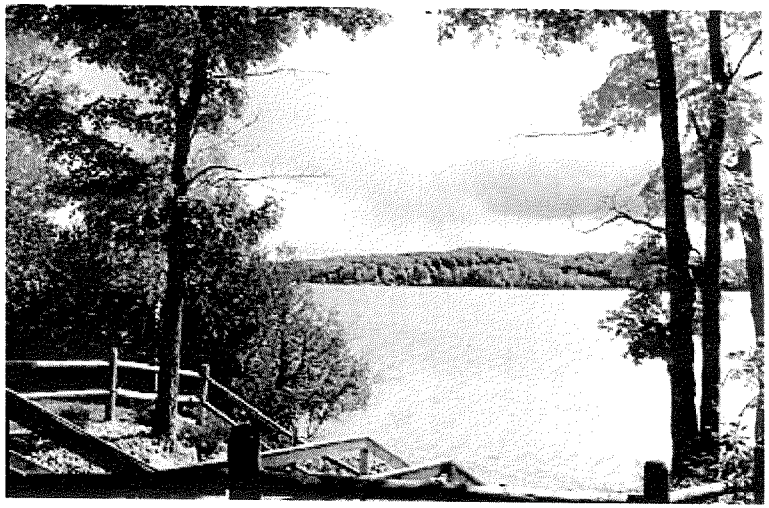
- Michigan residents spend $3 billion more out of state than out-of-state residents spend in Michigan.

**Efforts by communities, along with the DNR to improve and increase public access to Michigan's lakes are being stopped by lakefront associations who don't want further development, citing environmental issues, overcrowding and safety issues.**

Small businesses as well as communities depend on tourism to survive. It is entirely possible to strike a balance between preserving the environment and improving public access. THESE COMMUNITIES NEED YOUR HELP.

# Walloon Lake

A Northern Michigan jewel, Ernest Hemingway had a summer home here! 22nd largest lake in Michigan.



PUBLIC ACCESS LIMITED TO 7 ROAD ENDS, WHICH THE DNR HAS DETERMINED IS INSUFFICIENT PUBLIC ACCESS.

The DNR in 2003 proposed developing a public launch site along with a park to improve public access to this beautiful lake. Three years later it is still being contested by the Walloon Lake Association

**Michigan residents spend <u>$3 billion</u> more out of state than out-of-state residents spend in Michigan !!!!!**

# Road End Access

Article from the Traverse City Record Eagle

A nearby resident, Clark trailers his boat two or three times a week to an access site where a road dead-ends into Charlevoix County's Walloon Lake. The paved ramp is short, and requires Clark to back his trailer off the pavement and into a sandy hole to launch his boat. **There's no sign, no restroom, no designated parking and, assuming there are already a few cars with trailers parked alongside the road, no good place to turn around.**

**"Docking facilities and a place to park would be nice," said Clark after launching his outboard speedboat on a recent afternoon.**

*** As a result of civil lawsuits filed regarding road end use, it is illegal for cities to provide even a portable restroom at a public road end!**

# Access Plans Upset Lakefront Owners

The Walloon Lake Association has contested the proposed site, and for three years has been able to delay construction. They have tried to block plans to improve road end access sites, which are inadequate for most launching activities.

Excerpt from an article in the Traverse City Record Eagle supporting the launch site proposal:

For years, the state has been stocking Walloon with fish, but until now, access to the lake has been through a half dozen or so inadequate road-end sites. Fishermen found it very difficult to find a site where they could unload their boats, park their trailers and go fishing.

The Walloon Lake Association earlier this year lost a battle to halt plans to add parking, restrooms and a small public beach at the Jones Landing launch site, a road-end access. This is land owned by the township, or many of these improvements would be illegal !!

**Six percent of every tourism dollar goes into the state treasury in the form of sales tax receipts**

# The DNR Position

The following are statements from members of the Michigan Natural Resources Trust Fund Board of Trustees concerning Walloon Lake:

Mr. Washington expressed the fact that he will never believe that a road end, unless there is additional land added to it, can be developed into an acceptable launch site. Mr. Washington further stated that he knows residents who live on Walloon Lake and he has been contacted by a number of them. **The overriding impression he got from these conversations is "not on my lake."** The mindset that it is the "lake of the riparians" is totally wrong. **It is the lake of all the people in the State of Michigan. People want access to Walloon Lake and he will do everything in his power to provide this.**

Mr. Arwood responded that he will not speak to the specifics of the park proposal, but whatever it is has to be better than a road ending. **He agrees with Mr. Washington that a road end is not reasonable and adequate public access. As long as it is a road end it does not have the permanence of public access in perpetuity.**

Note: Current case law prohibits the use of roads ending at a lake from being used for anything other than ingress and egress to the lake. No improvements can be made to improve launching capabilities, other than a small concrete launch slab, which must be done without dredging, so it is only feasible to launch small fishing boats.

**We need your help in making these road ends useful to the public. The communities need the ability to control these road ends in order to maximize public access without adversely impacting the environment, as well as protecting the privacy of the lakefront owners. THIS CAN BE DONE. IT IS POSSIBLE.**

# Crystal Lake

**A member of Citizens for Positive Planning, believes that public access to Crystal Lake is important for the area's welfare. She supports the plan for a new public boat launch on the lake.**

**Crystal Lake is a 9,000 acre lake that currently has only one public access site, which is a road end. Similar to Walloon Lake, the DNR recognizes the need for improved access and has proposed a launch site which is being contested by the lakefront owners of Crystal Lake.**

William Boik, DNR boating unit manager, said it's unlikely even if the state prevails in the lawsuit that a boat launch could be constructed in time for the 2007 boating season.

**Our economy cannot afford these delays! The people of this community depend on tourism to survive!**

# Crystal Lake – Unlimited Potential

*** This is an editorial from the Traverse City Record Eagle**

Postcard-perfect Crystal Lake is the setting for a scrum that's turning Benzie County friends and neighbors against one another.

The battleground is a proposed boat launch off Mollineaux Road, on the south side of big, beautiful Crystal Lake.

The state Department of Natural Resources wants to construct a double-ramp launch - enough to handle four boats and/or personal watercraft at once - as well as a parking lot that could fit 100 vehicles and trailers.

The DNR's goal is to increase access to Crystal, a gem of a lake that's not only scenic, but a fine destination for anglers seeking a variety of fishing options.

Currently, the only real public access to Crystal Lake is a small launch site in downtown Beulah that's cramped and ill-equipped to handle anything but small boats.

The state needs to sell fishing licenses to feed its fish and game fund, and better Crystal facilities could be a magnet for outdoors folk with smaller boats who aren't comfortable on nearby, but oft-bumpy Lake Michigan.

A new ramp also could attract more pleasure boaters and personal watercraft operators.

Therein lies the rub. Better access means more people, more lake traffic, more noise, more of what some might consider riffraff. And the well-heeled Crystal Lake riparians, the lakefront property owners, are none too keen on the idea.

They've filed a lawsuit, in fact, to stop the project.

Project opponents won't hinge their case on the riffraff factor. Crystal Lake's a public water body and they know they wouldn't have a legal leg to stand on. So they're attacking the site as a poor fit, a potential detriment to lake and shoreline ecology, and other arguments that mask their real concerns.

Jim VanderMaas, a member of the Crystal Lake Access Rights Coalition, said he wants to make sure public officials understand the popular support for the launch, even if its fate is in the hands of the courts.

# Higgins Lake Road End Boat Launch

Lyon Township acquired a permit to construct a boat launch at a public road end, which has been determined by the courts to be an allowable use. This increases public access to Higgins Lake, a popular Michigan vacation destination.

The Higgins Lake Lakefront Association (HLPOA) has contested this construction, citing a number of reasons: Here are a few (actual quotes from their web site)

"In the instant case of Townline Road, our concerns about responsibility and control of traffic, parking, sanitation, children swimming, hours of operation and maintenance have thus far fallen on "deaf" ears at both the local and state levels."

"Additionally, the HLPOA is joined by the two adjacent subdivision associations and the two riparian owners on either side of Townline Road in a suit filed in Circuit Court this week charging violation of the Natural Resources and Environmental Protection Act. We're convinced this Act was not written by the Michigan Legislature with the intent of giving private citizens control over access ramps at public road ends. "

# Common Lakefront Association Theme

Robert Bishop, president of the property owners' association, said he **doesn't oppose a public boat launch** on Crystal Lake. He said he **opposes the current location proposed by the DNR near Mollineaux Road**

Walloon Lake Association president Elizabeth Lieberman: "I think that our board fully understands **that another launch site ... needs to be provided. All we're looking for is the opportunity to say where that site is located," she said.**

The Walloon Lake Association Directors and Walloon Lake Trust and Conservancy Trustees met on Thursday, June 24, 2004, and agreed to oppose this proposed park. Our major concern is the environmental impact on the lake. In addition to water quality **concerns are issues of safety (on the lake and at the intersection of Gruler Road and US 131), impact on neighbors, noise and light pollution and the ability of the Township to financially maintain, monitor and control the park**.

**The HLPOA has never opposed the building of ramps . . . .** per se . . . because we believe access to the waters of Higgins Lake. . . at dedicated public road ends . . . should be available to all.

"**In the instant case of Townline Road, our concerns about responsibility and control of traffic, parking, sanitation, children swimming, hours of operation and maintenance have thus far fallen on "deaf" ears at both the local and state levels.**"

# The Big Picture

Michigan's economy needs tourism, especially in Northern Michigan, where it is essential to small business. We need to "think out of the box", break from traditional thought and improve our economy. We have given examples of communities that are fighting to keep their economy alive and are being thwarted at every turn. Michigan's lakes are one of our greatest resources, and increasing public access to them will increase tourism spending. The DNR has the expertise to balance public needs with environmental impact, let them do their job. We need to enact legislation that gives public land back to the public. Give communities the power and ability to enhance their economy as they see fit. We cannot let these small towns languish because individuals want to keep "their piece of the pie" all to themselves.

**Enact legislation that enables communities to regulate any public access site. Don't let road ends and lakefront easements remain useless as access sites.**

**Let the DNR expand / build access sites. Northern Michigan economies depend on it.**

**We can strike a better balance between the peace and quiet of the north and the welfare of an economy buoyed by tourism. Please listen to the sporting enthusiasts and business owners that know recreational spending is a needed breath of fresh air**

# SUPPORT HB 6418

## CONTINUE MEANINGFUL ACCESS TO ALL MICHIGAN WATERWAYS

- Maintain historical access and property values.
- Reduce litigation on a state wide basis thereby enhancing state revenue.
- Maintain meaningful public access to Michigan's lakes, rivers and streams.
- Grant local governments control of their access sites.
- Reduce the current congestion at highly popular public sites throughout the state.
- Provide economic impact generated from recreational activity and tourism.

POWAR

# Night Hazards

*By Ric Federau - President, SAF-T-TEC*

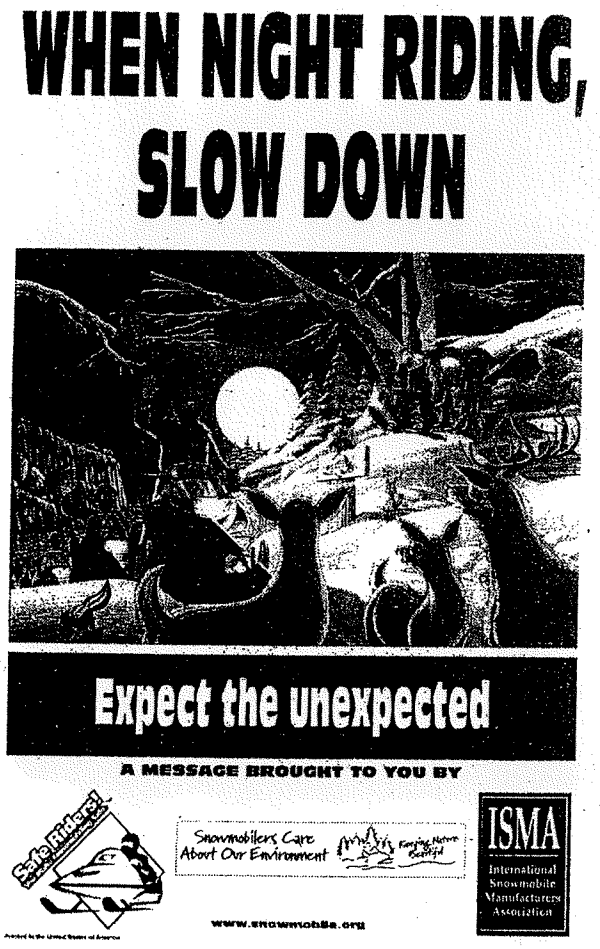
Being totally involved with the Safety aspect of the recreation industry, I speak with members of the general public daily. One of the most talked about areas by those who operate or ride snowmobiles and ATVs is night participation and safety.

I'm not sure the general public is actually aware of all the hazards encountered during night operation of recreation vehicles. Accidents, personal injuries and liability exposures abound from dusk to dawn, and often the reason is usually due to not being able to be seen in time to react to avoid these unwanted situations.

In my research I've found that most incidents involving night accidents and injuries could have been reduced with simple actions taken by owners, operators and passengers. There are a number of conditions that play a part, but ultimately the responsibility rests on the people who operate these vehicles!

One of the most common statements given by people who have been involved in unfortunate mishaps is "I didn't see them," or "I didn't see it." The introduction of superior reflective products to the machines, clothing and equipment will aid in avoiding personal injury or possible death. By utilizing reflective products the odds of liability exposures, injuries or death are greatly reduced.

Safety is the responsibility of all who take part in recreation vehicle sports. It's the responsibility of all concerned to take measures to make vehicle operation and use more safe. Being able to be seen or being able to see others will enhance the safety of us all! The end result will also secure a tighter bond between those who operate recreation vehicles and local and state government.

SAF-T-TEC is a major supplier of retro-reflective safety products used within the recreation industry, supplying products to the manufacturers of all recreation vehicles helmets, trailers, clothing and equipment. If you are interested in finding out more about reflective materials for your vehicles, clothing, helmets and trailers, feel free to contact me for additional information. I'd be more than happy to assist, because it takes the efforts of us all to make our sport safe. Feel free to contact me at *Ric@saf-t-tec.com or* 517-627-5784 to find out more about reflective products that will increase visibility and safety out on the trails.

*Ric is the owner of Saf-T-Tec, Inc. A major supplier of Safety products within the recreation industry!*