

CRYSTAL LAKE & WATERSHED ASSOCIATION
BENZIE COUNTY, MICHIGAN

WHEREAS, Crystal Lake, which is the 9th largest lake in Michigan comprising an area of 9864.8 acres, has 23 public road ends; and

WHEREAS, the purpose of the Crystal Lake & Watershed Association is to protect and promote the natural qualities of Crystal Lake and its surrounding Watershed and to preserve for future generations the beauty and recreational resources of Crystal Lake and its Watershed; and

WHEREAS, after studying the text of House Bills 4463 and 4464, the CLWA Directors have determined that the bills neither protect nor improve the water quality of Crystal Lake, but to the contrary will negatively impact the water quality and be detrimental to the Lake and its Watershed for the following reasons:

1. The public road ends tend to be narrow, lack parking areas, lack public sanitation and refuse facilities, and would present traffic safety hazards at the road end and on adjacent public highways;
2. There is no provision in the bills regarding contamination of the Lake by direct run off into the lake of highway pollutants, and gasoline and oil spills at marina/dock sites;
3. The legislation would weaken state government's role in the protection of vital resources held in trust for the people of Michigan. The bills eliminate the requirement, under section 30106 of NREPA, that MEDQ, issue marina permits ONLY after considering potential adverse impacts on the public trust, riparian rights and use of the waterway for recreation, fishing, commerce, industry or other purposes. Such decisions would become the responsibility of township governments, which may lack the required expertise, and which often have jurisdiction over only a portion of a large inland lake;
4. Recently Crystal Lake reached its lowest level in 40 years. This fact and the possibility of further climate changes, increases our concerns that there is no provision in the bills to regulate requests for dredging of the Lake at the marina/dock sites;
5. Placing a marina or allowing extensive dockage and the permanent mooring or anchoring of high-powered boats not only crowds out favored activities for road ends (such as swimming and fishing), but also presents a safety hazard to other users of a road end as well as those using nearby lake properties;

6. The bills as drafted, as pointed out by the Legislative Analysis prepared by the House Fiscal Agency, have two fee provisions in conflict in determining the fee;
7. The bills do not promote public use, but in effect, turn a public use into a private use because the bills require the MDEQ to issue marina permits to local government units to construct docks at public road ends, which docks must thereafter be allocated to private parties to enable them to establish boat hoists or mooring facilities for privately-owned boats;
8. The bills would overturn over a century of Michigan case law.
9. The legislation is opposed by the MDEQ, the Michigan Townships Association, the Michigan Attorney Generals office.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board of Directors at Crystal Lake & Watershed Association publicly state their opposition to House Bills 4463 and 4464; and
2. The Crystal Lake & Watershed Association urges its representatives in the Michigan Senate and Michigan House of Representatives to oppose the current version of the road end bills.

FURTHER RESOLVED, a copy of this Resolution shall be sent to Governor Jennifer Granholm, Michael D. Bishop, Chairman, Committee on Government Operations and Reform and Mark Schauer, Minority Vice Chair, Committee on Government Operations and Reform, State Senator Michelle McManus, Representative David Palsrok, and all Benzie County governmental units, to make them aware of the serious concerns for the damaging effect of such proposed legislation on Crystal Lake and other inland lakes that would be affected by such legislation.

Certification

I hereby certify that the above Resolution was authorized by the Board of Directors for the Crystal Lake & Watershed Association at a meeting duly held on September 29, 2007

Respectfully submitted,

Date: October 16, 2007

By, Robert W. Appleford,
President of the Crystal Lake &
Watershed Association