Saginaw Bay Water Trails
2015 Readiness Plan
Acknowledgements

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And by the Bay Area Community Foundation

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**Saginaw Bay Water Trail Steering Committee**

Greg Rankin, Past President, Friends of the Bay City State Recreation Area

Scott Reid, Tri-City Kayaking Group, Michigan Paddlers Safety Group

Dan Dauer, Saginaw Valley State University/Osher Lifelong Learning Institute/Kayaking Group

Jim Janowicz, East Coast Paddlers

Joe Skornia, East Coast Paddlers

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Gary Hadden, Treasurer, Saginaw Bay Water Trail Alliance

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Chuck Hoover, Saginaw Bay Water Trail Alliance, Past President, Friends of Shiawassee National Wildlife Refuge

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**Non-Profit Organizations**

Saginaw Bay Coastal Initiative

Saginaw Bay Water Trail Alliance

Tip of the Thumb Heritage Water Trail

East Michigan Council of Governments

Michigan Sea Grant, Office of the Great Lakes

East Coast Paddlers

SVSU/OLLI Kayaking Group

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**Government Partners**

The Arenac County Board of Commissioners

The Arenac County Drain Commissioner

The Arenac County Road Commission

The Arenac County Parks and Recreation Commission

Arenac Township

Au Gres Township

The City of Au Gres

City of Bay City

Bay City Planning Commission

Bay County Board of Commissioners

Bay County Parks & Recreation Department

Bay County Road Commission

Bay County Drain Commissioner

Bay County Environmental Affairs and Community Development

Hampton Township

The City of Omer

City of Essexville

Township of Monitor

Township of Kawkawlin

Village of Kawkawlin

Township of Pinconning

City of Pinconning

Township of Fraser

The City of Standish

Township of Standish

Township of Bangor

Township of Frankenlust

Whitney Township

Central Michigan District Health Department

Michigan Department of Natural Resources

George Launger, Chuck Allen, Scott Cook, Rex Arnslie

Michigan Department of Transportation

Michigan State Housing Development Authority, State Historic Preservation Office, Dean Anderson

†The statements, findings, conclusions, and recommendations in this report are those of the grantee and do not necessarily reflect the views of the DEQ and the NOAA.
Introduction

In 2014, Arenac County and Bay County identified and prioritized locations along the Saginaw Bay shoreline and its major rivers in their Arenac County Blue Water and Saginaw Bay Water Trail Development Plans that could become launch and landing sites for the Saginaw Bay Water Trail. Saginaw Bay Resource Conservation and Development is partnering with the Saginaw Bay Water Trail Alliance and its consultants working on construction and implementation of these sites into the Michigan Water Trail system. This project will result in the investigation of at least thirty locations already identified in these plans to prepare and acquire the support and approvals needed for funding and construction. These sites include county road ends, existing township, county, and state parks, DNR boat launches and access points, private marinas and campgrounds, nature preserves, and state wildlife areas.

In order to develop these sites for kayak and canoeing access, and to ready them for potential construction and funding from federal, state, and local sources, the following actions have been addressed:

Municipal concurrence

- Planning and zoning reviews
- Community support, concurrence, and resolutions
- Possible applications for funding

Road Commission approbations and resolutions

Michigan State Historic Preservation Office analysis and proposed strategy for site developments

Various Park Authorities concurrences and approvals

Analysis of Michigan Department of Environmental Quality, Army Corps of Engineers and NEPA requirements

Determination of ADA requirements

Discussions with identified private campgrounds and marinas on the trail

Identification and potential solutions for specific site situations or obstacles that may need to be overcome

This report addresses and prioritizes the state of readiness for construction and/or improvements to be undertaken at each water trail access site, along with photographs of the proposed improvement areas. The report will be used to approach funders, supporters, and partners in order to effect the indicated improvements. This project is an effort to ensure that proper planning is conducted prior to applying for funding and construction of water trail access sites.
Process

The Saginaw Bay Resource Conservation and Development approached the steering committee that has worked to prepare the Arenac County Blue Water Development Plan and the Bay County Blue Water Development Plan – The Saginaw Bay Water Trails—to act as the steering committee for this Readiness Project. The Saginaw Bay Water Trail Alliance members and others on the steering committee met monthly and provided guidance and advice as the project progressed.

One of the first decisions the Steering Committee made was to include Trail Towns concepts in the presentations to the various municipalities along the Bay in order to show how the development of the water trail could benefit them and to increase the communities’ interest in developing their respective sites on the trail.

The Steering Committee also advised and guided the SBRC&D on its companion project to market the Saginaw Bay Water Trails so decisions and determinations could be coordinated on both projects. Members of the steering committee aided the RC&D in securing meetings with the State Archeologist, DNR officials, Saginaw Chippewa tribal representatives, and other stakeholders.

Saginaw Bay Resource Conservation and Development staff and its consultants met with representatives of the following municipalities, agencies and organizations and private entities in order to discern the potentialities of installing facilities for sites to become part of the Saginaw Bay Water Trails and the State of Michigan Great Lakes Water Trail:

- Whitney Township
- Au Gres Township
- The City of Au Gres
- The City of Omer
- Arenac Township
- The Arenac County Drain Commissioner
- The Arenac County Road Commissioner
- The Arenac County Board of Commissioners
- The City of Standish
- Township of Standish
- Township of Pinconning
- Michigan Department of Natural Resources
- Michigan Department of Environmental Quality
- Michigan State Housing Development Authority, State Historic Preservation Office
- Bay County Board of Commissioners
- Bay County Buildings & Recreation Department
- City of Bay City
- Bay City Planning Commission
- Bay County Road Commission
- City of Essexville
- Township of Hampton
- Township of Bangor
- Township of Kawkawlin
- City of Pinconning
- Township of Fraser
- Central Michigan District Health Department
- Michigan Department of Transportation
- Michigan Department of Transportation

The SBRC&D and its consultants also gave presentations to numerous other organizations to promote the project and its objectives and to receive input regarding the project. Summaries of the meetings are included in the report.
Community Meetings
SBRC&D and its consultants met with the Trail Towns along the Saginaw Bay Water Trail. The groups discussed the Saginaw Bay Water Trail plans, community benefits, planning and zoning issues and the willingness of the communities to proceed with indicated projects. The results of the Saginaw Bay meetings are summarized below.

- The City of Au Gres and Au Gres Township
  Representatives of the City Planning Commission, Department of Public Works, the DDA, the city manager, plus the Au Gres Township supervisor and clerk met with the SBRC&D representatives where the Saginaw Bay Water Trails was discussed. The particular water trail sites in the city and township were reviewed and members of the group then visited the Au Gres DNR Boat Launch & Harbor of Refuge to examine in detail what improvements might be made. Two follow-up meetings with the city were done.

The following sites for the Arenac County Blue Water Trail Development Plan were reviewed and discussed:

The end of Barth Road
Point Au Gres County Park
The end of East Gordon Road
Point Au Gres Marina and Campground
The DNR Au Gres Boat Launch
The Harbor of Refuge in the City of Au Gres
The City of Au Gres Park and Campground
The end of Tonkey Road

The representatives of the city and township chose to concentrate on the Harbor of Refuge, the DNR Boat Launch and the Point Au Gres Park. For the other sites the group decided that adding directional signage for those sites already capable of handling kayakers/other boaters would be undertaken.
PT. AU GRES CITY PARK, MARINA & CAMPGROUND

THE AU GRES DNR BOAT LAUNCH
Outcomes of the meetings:

1. SBRC&D to meet with the DNR unit manager to address desired improvements for the water trail. Two meetings with Chick Allen of DNR were held – see Agency Meetings.
2. City to move forward with Sustainable Small Harbor Management Strategy Project with Michigan Sea Grant, et al. Plans being prepared for launch facilities within new parks.
3. City to prepare a draft plan for Trail Town actions.
4. Hard surface pads were installed at the Campground for kayak launchings. Directional signs have been installed for Pt. Au Gres Park, the Au Gres Campground and at the Pt. Au Gres Marina. Additional signs will be added at the Harbor of Refuge and as other sites are approved.

- The City of Omer
  Representatives of the SBRC&D met with the Omer City Council to discuss the Trail Towns concept and the Saginaw Bay Water Trails. Particular actions that might be taken were reviewed. The SBRC&D visited the DNR access site on the south end of town – the site is operational as it is; the SBRC&D addressed possible improvements with the DNR. The Iron Belle non-motorized trail is designated to pass through Omer.
Outcomes of the meeting:
1. The City applied for improvements to their State Road Park to develop a trailhead for the Iron Belle Trail and to establish a new canoe/kayak launch on the Rifle River within the park that will be south of the DNR access site in the Blue Water Trail Plan.
2. The City will consider signage and other ways to attract visitors to the community taking advantage of the bi-modal nature of the water, hiking and biking trails.

• Arenac Township
Arenac Township met with the SBRC&D representatives twice to discuss the Saginaw Bay Water Trail and the Iron Belle Trail. The DNR has received funding to purchase the property of the Wigwam Duck Club in Arenac Township to expand the Wigwam Bay State Wildlife area. The property includes 1,200 feet of the Rifle River and the department’s intention is to provide canoeing and kayaking out to the Bay and the Saginaw Bay Water Trail. This would be a great asset as there is no take out site at this scenic end of the Rifle River. Other potential kayak sites within the township including the Big Bend Campground were discussed, as was the extensive phragmites growth along the bay shoreline. SBRC&D checked on the status of the Duck Club property, but the DNR had no information on its status.

Outcomes of the meeting:
1. Arenac Township will continue work on the proposed Omer to Au Gres Pedestrian and Bicycle Trail with its neighbors.
2. The Township will support efforts by the DNR and their neighboring communities to develop the Saginaw Bay Water Trail along the township’s bay shoreline.

• The City of Standish
The SBRC&D discussed the Trail Towns concept with the Standish City Council and followed through with two meetings with the city manager. Standish is about five miles from the Saginaw Bay
shore but is at the intersection of US-23/M-13 and the eastern terminus of M-61. These roads are major tourist highways with enormous daily traffic for the east side of the state. This situation offers an exceptional opportunity to market the water trail (and the Iron Belle Trail) to travelers along these highways.

Outcomes of the meeting:

1. The City Manager will engage the City of Standish DDA to devise ways to take advantage of the opportunity to market the city and its connection to the Saginaw Bay Water Trail and the Iron Belle Trail. The first action determined for the city is to install MDNR directional signage; other signs to the Pine River Boat Access have been installed by the Arenac County Economic Development Corporation.

- Standish Township
  SBRC&D representatives met with the Standish Township Planning Commission to discuss the Saginaw Bay Water Trail and the township’s place along the route (and the proposed route of the Iron Belle Trail). The township added the Blue Water Trail Plan with the water trail and launch sites to its master plan. The DNR Pine River Boat Launch is a primary site within the township as are potential sites at the Eagle Bay Marina and three Saginaw Basin Land Conservancy properties.

Other sites discussed are:

The end of Bay-Arenac County Road at Wah Sash Kah Moqua Nature Preserve
The end of Worth Road at Saganing
Whites Beach
The end of Bordeaux at the Standish Nature Reserve
Bordeaux Road at the Green Drain
(Sites belonging to other agencies and non-profits discussed below)
Outcomes of the meeting:

1. The township has included the Saginaw Bay Water Trail in their new master plan
2. The planning commission and township board will investigate improvements at Whites Beach and collaboration with the Saginaw Bay Chippewa Indian Tribe for potential improvements at the Eagles Landing Casino on Worth Road and other tribal properties including the Eagles Bay Marina. Infrastructure improvements will be installed at Whites Beach in 2016 and the Township will attempt to make improvements for the launch/landings at the same time.

- Arenac County Commissioner was a member of the SBWT Steering Committee and attended monthly meetings to review the Readiness Plan and the marketing materials being produced by the SBRC&D simultaneously with the plan. He reported to the Arenac County Parks and Recreation Commission (where he is also a member) & the Board of Commissioners at their regular meetings on the status of the project. Mr. Luce, Joseph Stancimino, Chairman of the Parks and Recreation Commission, & Don Hamilton presented the final Readiness Plan & the marketing materials to the commissioners on the 25th of December, 2015. The County will continue to support the Blue Water Trail implementation & marketing.

- City of Bay City SBRC&D representatives presented the Saginaw Bay Water Trail Development Plan to the Planning Commission and the city planner. Potential sites within the city were reviewed and discussed. Follow up meetings discussed difficult and/or expensive launch sites versus simpler, less expensive ones, and discussed amending the city master plan to include the water trail. There are eleven viable sites proposed:
Edward Golson Park Boat Launch  
Liberty Harbor Marina  
4th Street  
5th Street  
Veterans Park Boat Launch  
9th Street

Uptown Basin  
Bay City Rowing Center  
Middle Grounds, south of M-84  
Cass Avenue Boat Launch  
Hotchkiss Rd, in the Brooks neighborhood

Frank Starkweather of the Saginaw Bay Water Trail Alliance met with City Manager, Rick Finn and presented the overview and context of the Water Trail for Bay County, and pointed out the eleven sites identified in the plan which lie within Bay City, mainly, within the parks, and City boat launches on the Saginaw River. The City Manager approved of the concept but requested that we wait for the completion of the terms of the then existing City Council and Mayor, because new elections were days away and then several new City Commissioners and a new Mayor would be elected and need time to settle in. The City Manager prefers to organize a meeting first with appropriate department heads as he sees fit and depending on the outcome, proceed to a presentation before the entire City Commission and Mayor at a regularly scheduled meeting. At that point the level of interest of the City on an official level could be ascertained.

At this time, the former terms have been completed, the election has been held, four new commissioners and a new Mayor have been elected, and they have held only their first meeting. The next step will be for the City Manager to call a meeting of his selected department heads to go forward from there. Bay City, with its extensive waterfront parks and numerous boat launches is positioned to become a major kayak and canoe center if the City Commission can grasp the benefits for the citizens. We expect to have meetings in the beginning of 2016.
Bay County
SBRC&D representatives met with Bob Redmond, Financial Director for the Bay County Board of Commissioners and presented the Saginaw Bay Water Trail Development Plan emphasizing Pinconning County Park.

Outcomes of the meeting:
1. Guidance and contact information was given to the SBRC&D to meet with other appropriate county officials – Road Commission, Drain Commission, County Parks Department, for advice and cooperation. (See agency meetings below)
2. A second meeting with Bay County on the Water Trail took place on October 13, 2015. This meeting included Cristen Gignac, Director of Recreation and Facilities, John Morse, Superintendent, and Ric Pabalis, long time senior official for Recreation in Bay County. Frank Starkweather, of the Saginaw Bay Water Trail Alliance made the presentation of the Bay County Water Trail Plan, giving an overview of the bay shore sites and the rivers covered. Special attention was spent on the county operated Pinconning Park, located on the Bay at the east end of Pinconning Road in Pinconning Township, on the far northern shore of Bay County just south of Arenac County.

The County is interested in making improvements to the small boat launch and swimming beach to accommodate a kayak launch site. They have in mind a fully accessible installation of the EZ Dock variety. This park in enjoying great popularity, and there has been significant investment in upgrading and expanding camping facilities there in the form of additional RV pads and the installation of more cabins.

There is an independent outfitter who keeps his trailer of canoes and kayaks at this beach and rents them to campers. This is the only outfitter in Bay County found who supplies this service.

Following the meeting above a brief visit was made to the Financial and Budget Director for Bay County Commissioners, Robert Redmond. He indicated that he had already provided money for assisting this project going forward in the new budget. Bay County is extremely interested in building a kayak launch site and has been setting aside money for matching a potential grant source.
City of Essexville
SBRC&D representatives met with City of Essexville City Council, City Manager, Mayor, and city attorney and discussed the Saginaw Bay Water Trail and their launch/landing sites identified in the water trail development plan. Discussion was enthusiastic.

Handouts were circulated, the first being a copy of the Bay County Blue Water Trail Plan, with an explanation of the overall goal of establishing a Water Trail for the Saginaw Bay and Watershed in general, and Bay County in specific. The second handout contained the aerial photo and proposed installations at the site found on the Saginaw River in Essexville in their Earl C. Smith Park.

Questions were answered about design, potential for funding and the partnership arrangements. Initial interest was expressed and the promise of a follow-up meeting was made.

The follow-up meeting occurred at Essexville City Hall on September 28th with the following people present: Mayor Tanner, Mayor Pro Tem Weiler, Councilman Mantei, who is also chair of the Recreation Committee, and City Manager Hansford. They wanted to discuss the possibility of adding a second site, which was discussed at length and eventually set aside. Placement within the park at a site remote from the existing boat launch was discussed, and certain design features were reviewed.
Outcomes of the meeting:

1. The City of Essexville is interested in taking further steps in the future relating to the preparation of grant and match applications, to cover engineering, materials and installation including signage. Additional features to enhance the site were also discussed. There are no obstacles in the regards to the planning or zoning.

- Hampton Charter Township
  SBRC&D presented the Saginaw Bay Water Trail Project to the Township Board and interested citizens. Launch/landing sites identified in the water trail plan in the township were discussed including two sites at township parks:

  Finn Road          Jones Road

SBRC&D returned and discussed means of moving forward with the township planning and recreation committees.

Outcome of the meeting:
1. Hampton Township applied for and has been approved for a MNRTF grant.

Bay County    Hampton Charter Township    Finn Road Park Improvements    $182,300
Development to improve access to Saginaw Bay and Lake Huron. The site is on the Saginaw Birding Trail and improvements include a 1/3 mile path through woodlands and wetlands with an observation tower overlooking the Bay. The tower will include seating and interpretive signage. The
site also serves as a trailhead for the Saginaw Bay Blueways Water Trail. Improvements to the boat launch area include parking, a new boat dock and boating access improvements.
- **Kawkawlin Township**
  
  Frank Starkweather, President of the Saginaw Bay Water Trail Alliance made a presentation before the Kawkawlin Township Board on September 29, 2015. Present were the Supervisor Dennis Bragiel, Clerk Gregory Petrimoul, and Trustees Melvin McNally and Jack Hetherington. Also in attendance were four township residents and Ernie Krygier, Chairman of the Bay County Commission. Tow handouts were given: the first explained the Saginaw Bay Water Trail, the completion of the Bay County Blue Water Trail as funded by CZM; the second, contained color aerial photos of each proposed site found within Kawkawlin Township. These fell into two categories. The first were sites found along the shore of Saginaw Bay, mostly at roads ending at the beach. The second were the sites found on the Kawkawlin River as it crosses Kawkawlin Township.

  The role of CZM in developing the water trail across the State and within Bay and Arenac Counties was reviewed and the potential for future funding of sites was discussed. Township officials were pleased to hear of the plans and reported that they had also been hard at work preparing a grant application for the removal of trees and debris in their portion of the Saginaw River, all of this would fit nicely with our development of the Kawkawlin River Water Trail. It was also announced by the Township Supervisor that neighboring Bangor Township has also sought funding for river improvement including some government approved dredging for removing silt.

  The Township officials showed interest in participating in the water trail program and interested in a follow-up meeting was expressed to cover some of the details for the next phase, including a joint project at the end of Linwood Road, shared with neighboring Fraser Township.

  ![BOUTELL ROAD END](image)

  Outcome of the meeting:
  1. Township officials expressed interest in participating in the water trail program. SBRC&D will return to discuss details and timing of implementation phase.

- **Pinconning Township**

  SBRC&D representatives presented the Saginaw Bay Water Trail Project to the township board showing four potential proposed kayak launch/landing sites in the township. One, the Pinconning Park on the Saginaw Bay is a Bay County park.

  Outcome of the Meeting:
1. Pinconning Township Board will contact SBRC&D regarding interest and future actions.

- City of Pinconning
  A presentation by a SBRC&D representative was given to the city council on October 19, 2015. Attending were Mayor Robert Hall, Clerk Terri Hribek, Treasurer Dawn Hodder, Council Members: Jason Brazeau, Barbara Cadwell, Mary Warren, Becky Lesniak, Robin Weiss, Damon DuBois and City Manager Dick Byrne.

  Frank Starkweather of the Saginaw Bay Water Trail Alliance made the presentation, displaying the Bay County Water Trail Plan, and distributed a handout showing the site in the City of Pinconning and the neighboring sites on the Pinconning River in Pinconning Township and at the end of Pinconning Road at the County Pinconning Park. The proposed site is adjacent to M-13 and is on the edge of a large city park.

Outcome of the Meeting:
1. The Pinconning City Manager has called back to announce an interest in having a follow-up meeting, but a convenient time has not yet been arranged.

- Bangor Charter Township
  SBRC&D representatives met with the Charter Township of Bangor Board October 13, 2015. Present were Supervisor Kula, Clerk Bublitz, Treasurer Wardynski, Trustee Schissler, Trustee Bishop and Trustee Stasik. Also present was township resident and Chairman of the Bay County Board of Commissioners Ernie Krygier, along with approximately 15 other attendees.
The presentation of the Water Trail was conducted by Frank Starkweather of the Saginaw Bay Water Trail Alliance, who displayed the Bay County Water Trail Plan for context and passed out a series of aerial photos of the various sites along the shore of the Bay as well as the lower Kawkawlin River in Bangor Township.

Bangor Township is located north of Bay City and has grown to over 20,000 people, many living on the extensive frontage on the Bay and others along the densely settled banks of the Kawkawlin River. In all of Bay County, this is the township which enjoys water sports the most. Attention was paid to road ends in residential areas that reach the water and road ends which appear in the subdivisions along the Kawkawlin River.

Many of the residents own kayaks and are interested in improved access. The Township is interested in providing for the access, but does not have money in the budget for that purpose, and would have to rely upon external grant money to achieve this. They did not declare an intention to begin work on this at present, but they are open to further discussions about specific plans at select sites in the future.

Outcome of the Meeting
1. SBRC&D will return to a future meeting to discuss implementation actions.

- Fraser Township
  SBRC&D representatives met with the Fraser Township Board on October 12, 2015. Present were Supervisor Mark Galus, Treasurer Shelly Hadd, Clerk Sally Sherman, Trustee Renee Rugenstein, Trustee George Augustiniak.

The Water Trail presentation was made by Frank Starkweather of the Saginaw Bay Water Trail Alliance. The Bay County Water Trail was displayed with the overview of the water trail and the context for Fraser Township explained. Handouts were distributed that showed the aerial photographs of the sites on the bay shore and on the Kawkawlin River found in Fraser Township. Considerable
discussion was held on the west end of Linwood Road which dead ends at the Bay in a large asphalt parking lot.

This is a site heavily used by snowmobilers and ice fishermen in the frozen months. It was once a boat launch as well, but has fallen into disuse during years of low water on the Bay. The concrete boat ramp was high and dry and several hundred feet from the water. The ditch way alongside has been filled with phragmites and no longer acts as a channel access to the water.

Over the years free lance sportsmen have hauled in rubble and crudely attempted to extend the access path to the receded water. It was not built wide enough for truck-trailer boat launching and not long enough to reach the water. In summer months this large site is essentially without a use.

The small community of Linwood is located a short walking distance from this site. Linwood has a convenience/bait shop and a couple of tavern/pizza places (as well as a church, school and a Post Office). These retail stores are heavily patronized by the large number of fishermen who reside nearby and this launch site has the potential for assisting significant economic impact to this community.

Linwood, however, is a place and not a village, it has no government. In fact the township line runs right through the center of “town” and into the Bay. The subject boat launch site is split between two township jurisdictions: Fraser Township on the north and Kawkawlin Township on the south. Nothing of significance can/will happen at this site unless it is done cooperatively.

To that end Fraser Township Board of Trustees passed the following resolution that evening:

“Fraser Township Board of Trustees believes that the Linwood Scenic Point and Fraser Township shoreline will provide natural, scenic, and recreational value to the residents and visitors of Fraser Township. Linwood Scenic Point is located at the east end of Linwood Road and is shared with Kawkawlin Township. Fraser Township shoreline starts at Linwood Road and runs six (6) miles north to Townline 16 Road. Fraser Township is willing to work with Kawkawlin Township, Saginaw Bay Water Trail Alliance, Bay County, State of Michigan, and the Federal Government to improve and develop through grants Linwood Scenic Point and Fraser Township shoreline.”
Fraser Township has expressed an interest in learning more about obtaining grant money for the design, engineering, permitting and installation of improved facilities at Linwood Scenic Point including providing for a kayak launch.

- Monitor and Frankenlust Townships:

Attempts were made to address the Boards of Frankenlust and Monitor Townships but their monthly meeting dates conflicted with the dates of meetings from other townships with more sites. The presentations to introduce the water trail opportunity to these townships will be conducted in 2016.

Agency Meetings

- Michigan Department of Natural Resources

SBRC&D representatives met with Chuck Allen, Unit Manager at Tawas Point for DNR parks in the northern portion of the Saginaw Bay on three occasions. Discussed water trail plans applicable to DNR properties on the Saginaw Bay in his jurisdiction – Singing Bridge and the Au Gres Boat Launch. A Work in Progress application is being prepared for a new boat launch at the Singing Bridge DNR Access that includes a new boat launch with an ADA accessible kayak and canoe launch.

A Work in Progress has been submitted by Mr. Allen to DNR Planning to rearrange the east end of the Au Gres DNR Boat Launch. The plans include installing a kayak/small boat launch and developing rustic camping, including rustic cabins on this area of the property.

SBRC&D representatives met with George Lauinger, Unit Manager for the southern Saginaw Bay DNR park properties. Discussed proposed projects for the Saginaw Bay Water Trails Development Plan and the Bay City State Park project and other projects he is involved with. Lauinger
recommends the SBRC&D meet with members of the Friends of the Bay City State Park. SBRC&D is to return after a state regional planner is hired and discussions with the Friends group.

SBRC&D met at the Bay City State Recreation Area with Unit Manager George Lauinger on October 7, 2015. The territory under Lauinger’s jurisdiction includes Bay City State Park, adjacent Tobico Marsh, the largest freshwater marsh in the Great Lakes, and the Tobico State Game Area. In addition he also has responsibility for DNR boat launches at Quanticassee (on the Tuscola County line), Mouth of the Saginaw River, an access site on the Kawkawlin River, a Saginaw Bay shore launch site at E. Coggins Road, and the Pine River outlet at Wigwam Bay West, and an up-river site in Omer.

![DNR Boat Launch at Pine River (Wigwam Bay)](image)

**DNR Boat Launch at Pine River (Wigwam Bay)**

Our previous conversations, where we had shared the Saginaw Bay Water Trail Plan, included kayak launch development at each of these sites. At this meeting, Unit Director Lauinger said he would submit *Work in Progress* applications for seven sites, including three at the Bay City State Recreation Area, and four at the other areas. These *Work in Progress* go to the Regional Planning Office of the DNR.

SBRC&D representatives met with the Bay City State Recreation Area Unit Manager George Lauinger again on December 3, 2015.

This meeting was held to see what progress had been made towards gaining approvals for kayak launch sites at eight DNR facilities within this Unit of Saginaw Bay. There would be two sites in Bay City State Park and one in the adjacent Tobico Marsh. One would be at the Quanicassee DNR Boat Launch (Tuscola County line) which would serve as an all-important link to the Tip of the Thumb Water Trail. Another would be at the major DNR Boat Launch at the mouth of the Saginaw River. Yet another would be a DNR small boat launch site on the Kawkawlin River (Wheeler Road), which had fallen into disrepair and another on the north Bay County shore at E Coggins Road, also a small boat launch which had fallen in to disuse. The final site would be at the mouth of the Pine River in Arenac County in the West Wigwam Bay Unit.
At one of our previous meetings, Mr. Lauinger had represented that he was intending to send in formal Work in Progress applications to his Regional Planners and our visit was to determine if he had heard anything. What we learned was that Mr. Lauinger had not submitted Work in Progresses but rather had sent an email to determine if he would be wasting his time if he did so. An attempt to get an answer to the question before asking the question. He did indeed get a response which revealed much important information with great consequence for water trail development, not only in the Saginaw Bay Unit, but across the entire state.

Those sites which involved adding simple kayak launch areas at existing DNR boat launches are not handled by the Regional Planner, but rather go to the Waterways Division which has its own planners. We were told by Mr. Lauinger that the waterways people view these DNR boat launches as being built for boaters with boater registration money, revenue from the stickers that boaters have to have on their water craft. In the information sent back by the Waterways person, we learned that since kayaks did not help pay for the boat launches, and therefore the DNR is not interested in placing any kayak launches in DNR boat launches. Under this view, the facilities are open to that category that paid for them.

There are 1100 DNR boat launches in the State of Michigan, with driveways, parking, signage, many have toilets and lighting, etc. and that one decision coming from the Waterways people, if it stands, has shut kayaks out of all of them. How one builds a water trail around the shoreline of Michigan by ruling out DNR launches is a challenge that may never be overcome.

The idea of adding things like simple tent camping sites to accommodate long distance overnights at side yards of DNR boat launches was dismissed out of hand, as being infrastructure being build by others in facilities paid out of boater’s registration money, and therefore not allowed. The same thing for adding a picnic table and a trash can.

In addition, there seems to be a change in the Donation and Contribution program. We have been told that getting something like a kayak site installed in a DNR facility when planned, designed, and financed by the DNR itself, might take up to seven years. Since there is interest in building a water trail that sees implementation before the seven years, alternative approaches were sought. That is when we learned about the Donation and Contribution program some time ago. That program might reduce it down to a year or so. Under that approach, outside entities, such as friends groups or water trail groups, etc. would design a project, get approval from the DNR, and then would go ahead to raise the money, see the construction done and turn it over to the SNR. Our efforts to see eight sites in this Unit build were proceeding along that path.

Now, we understand that the DNR has made a few changes. The first is that they don’t want to maintain anything (cost avoidance) so they want the outside sponsors to establish an endowment of substantial size which would then supply necessary and regular funds for maintenance (presumably to be consumed by DNR personnel). In addition they don’t seem to want to have any liability for the infrastructure item built, so there is a strong chance that they will also demand a long term liability insurance policy be purchased holding the DNR harmless. It is not apparent how many decades they had in mind.

The next question is, if all of these guarantees and add-ons are true, they will add substantial costs to any kayak launch project. It is easy to imagine that the maintenance endowment and the liability policy could be many times more expensive that the physical installation. The question then becomes to what extent are outside groups prepared to pay for endowments and policies? Can some or any of the future CZM dollars be dedicated to those uses? If the answer is no that means that the sponsors are forced into the position of securing money elsewhere for maintenance endowments and liability.
insurance. In our experience with the limited funding sources available in this market area, they too
are singularly interested in building “bricks and mortar,” and not interested in paying for maintenance
endowments and liability policies.

If indeed this new policy at the DNR is true, and is not reversed, then that very strongly suggests that
the DNR will have very little to do with hosting kayak launches on their land, unless they do it
themselves, as the Donation and Contribution approach has apparently become untenable.

Also in the conversation the concept of a lease came up. Apparently, under this idea (not known to be
a program yet) the outside sponsor would lease a small piece of land from the DNR, then go raise
money for their design and installation of the infrastructure, and then the sponsor would be the owners
(the DNR would not take title), and therefore as owners, the sponsor would be responsible for all of
the future maintenance and liability -- a perfect avoidance scheme for the DNR and a can of worms
that would likely guarantee that no project would be contemplated further by any potential sponsors.

Another matter has come up as well. As enthused as the local unit managers are to have new kayak
facilities as part of their supplying recreational opportunities to the public, there are bureaucrats in
Lansing who are looking to make sure there is consistency across the entire system. That can be
interpreted as making sure their restrictive and prohibitive view is followed in every corner of the
state-wide DNR holdings.

SBRC&D has also learned that there was an internal working group of the DNR which has developed
a paper covering water trail development through the DNR. This took place a year ago. We have
attended many major summits on Water Trails and even a National Conference on Water Trails in Ann
Arbor with DNR staff in attendance and never a word was mentioned about the existence of such a
working paper. It may still be considered a draft (not ready for publication) and that may be the
reason for them to not mention it, let alone circulate it. In any event, there must be a lot of things
going on behind the scenes that we are not being told about.

In order for the DNR to be helpful in water trail development in the State of Michigan, it may be
necessary for senior department officials to be made aware of the implications of the things brought
out here. An option is to begin working through our elected representatives, especially those
representing Great Lakes shoreline counties, as well as those who come from counties with extensive
river systems. In Michigan, that could be every representative, and senator.

SBRC&D met with Scott Cook, Landscape Architect, newly hired Regional Field Planner for the
Saginaw Bay Region and discussed DNR sites identified in the Saginaw Bay Water Trail
Development Plan from the Singing Bridge in Arenac County to Quanticassee on the Bay County line.
Scott described “Work in Progress” process from unit manager application to department approval.
Discussed DNR funding methods including “gifts and donations projects.” (See discussion above)

Outcome of the meeting:
1. SBRC&D sent development plans to Mr. Cook and met with unit managers to give their
   concurrence to put forward WIP applications. (See discussion above)

SBRC&D representatives met with Rex Ainslie, Regional Supervisor, Peninsula Region and Region 5
coordinator. Reviewed the Saginaw Bay Water Trail Development Plan and discussed MDR holdings
where kayak/launch sites could be developed; then attended a Region 5 meeting in Bay City to deliver
a presentation to the group regarding the Saginaw Bay Water Trail Project.
SBRC&D met with new Deputy Director of the DNR, Marc Miller, who was very interested in our project and requested copies of the Arenac and Bay County Water Trail Development Plans. We plan on contacting Mr. Miller regarding findings above.

- Michigan State Historic Preservation Office (SHPO)
  SBRC&D representatives met with Dean Anderson and Chuck Hoover, president of the Michigan Archaeology Society (also a member of the Saginaw Bay Water Trail Alliance). The regulations regarding federally funded projects were discussed.

Those projects which are “federally assisted” in any way, require a Section 106 review through SHPO. Federally assisted means funded in any portion by federal funds, but can also mean projects on federal land, or under federal regulation, such as Army Corps projects, Federal Energy Regulatory Commission licensed hydro-electric dams, and other cases where federal licenses or permits are required.

A Section 106 application must be filed with SHPO. The applications are divided into two groups: those above ground, such as structures, buildings, etc. and those disturbing the ground (underground). Those disturbing the ground require review by the State Archaeologist. In cases of project sites previously disturbed, such as road beds, drains, parking lots, park building construction, it is highly unlikely that any archaeology survey would be required. New construction such as foundations, drain fields, new roads across open land and parking lots with federal funding would require a Section 106 application to be reviewed by the State Archaeologist.

For signs, post holes dug by a post hole digger or posts pounded in, would usually not trigger an archaeological survey. Nor would a typical 4’ x 4’ vault toilet installation. Filling sand on top of existing soil, without digging into the soil would be given a pass. If the project proposed is funded without federal dollars, a Section 106 review would not be triggered. The purpose of the Federal Act is to protect archaeology and historical sites from being damaged and destroyed. It was stressed that the State believes that there are sites to be found all along the coastal shores, and they admit they have very, very limited knowledge of how many and where they are. The number of official and professional studies or even cursory surveys of the lakeshore zone is very small in a state with over a thousand miles of Great Lakes shore line.

Since CZM funds come from federal NOAA, all projects involving construction utilizing CZM funds in any part will be required to file a Section 106 application for review to SHPO.

(See “Analysis of Regulations” below for a more thorough discussion).

- Arenac County Road Commission
  SBRC&D representatives presented the Saginaw Bay Water Trail Project to the Road Commission. Discussion ensued regarding road ends that were identified in the Arenac County Blue Water Development Plan. The Commission agreed to cooperate; but each site to be developed would be reviewed on its separate merits and the Commission would not be responsible for maintenance of trail improvements outside of the road right-of-way.

- Bay County Road Commission
  SBRC&D representatives met with Jim Lillo, manager of the Bay City Road Commission. Discussed Saginaw Bay Water Trail regarding county road ends, rights-of-way, etc. at the Saginaw Bay and at several rivers. Rights-of-way differ in size and must be researched individually. Ownership at the water also differs. In certain cases, roads end short of the water. Subdivision plats set out the use of
roads – private or public, etc. Signs within the right-of-way would not be a problem but will need to be permitted.

- Bay County Drain Commission

SBRC&D representatives met with Joseph Rivet, Bay County Drain Commissioner October 7, 2015. Mr. Rivet is an attorney who has previously served as a State Representative for Bay County. He currently serves as Bay County Drain Commissioner. His knowledge of drain law is widely recognized and he holds a position in the state association of Drain Commissioners.

He explained that in Bay County there are 243 independent municipal corporations which are drainage districts. They each have their own articles of incorporation, by-laws, and financial records. He keeps the records for all of them in the file cabinets in his office. Some of them have cash reserves. Several do not.

It is a mistake to assume that all drainage ditches in Bay County are under the Drain Commission. This is because many of them were built by the Road Commission for their purposes and are owned and maintained by them. There are also drains that are owned by the respective Townships and some are privately owned. The warning was given that any work relating to a kayak/canoe launch in a drain must be researched as to ownership before going too far into any engineering and funding stages.

We were particularly interested in drains which flow into Saginaw Bay. The bay shore, being extremely exposed to the waves and winds of major storms, can suffer erosion and damage to structures. For that reason it is better to locate launches upstream in the drains where available. This gives better protection for slopes, decks, docks and other features of launches.

In the case of Saginaw Bay, as well as many other shorelines of the Great Lakes, there is a huge infestation of phragmites, and other water plants. These dense growths block the end of the drains which once gave direct access to the open water. Any kayak launch for a water trail would have to have those drain mouths cleared or no launch would be feasible.

When asked about clearing drains at the shore of the Bay, the Drain Commissioner commented on a number of issues from his perspective. First of all, he does not have a pool of discretionary funds for purposes such as these. He would have to approach the controlling boards of the respective drainage districts for their approval. He goes on to explain that the purpose of the drains is to prevent flooding. Since the water still flows out of the ends of the drains through the phragmites, etc, there is no perceived problem. Why then would the board of the drainage district in question spend its money set aside to solve a problem (flooding) on something else that is not the reason the money was accumulated, and not seen as a problem?

If the water trail developer wished to propose that the drainage district pay to clear the mouth of the drain of weeds, a petition would have to be generated and signed by five members (land owners) in the district. Then it would be brought before the board which could accept it or reject it. If they approved it, a special assessment would have to be created to accumulate the dollars for the dredging. It is probable that all members of the drainage district, including those way up stream, even miles away from the Bay, would be voting to spend their money on something that would not benefit from. That should give one an idea as to how unlikely the drainage district would be as the source of dredging dollars.

With respect to the possibility of getting permission from the Drain Commissioner for installing a kayak launch on the bank of a drain (especially adjacent to a road end), the Drain Commissioner points out that he has a right of way only for a drain, and nothing more, and that does not include a kayak launch. Further, he cannot give a right of way, or permission, for something he does not have.
He suggests that the neighbor is the underlying land owner, and permission would have to be obtained formally from them. It is easy to foresee requests by the landowner for full indemnity, and the purchase of an insurance policy by the water trail developer to protect the landowner from the liability of any injury by the public using or leaving the subject site.

The question of maintenance also comes up. Who would conduct periodic maintenance on the launch site? The landowner? The Drain Commissioner? The Road Commissioner? The Township? The County? In our experience of discussing this issue with representatives of these several offices, they all are risk adverse. They do not want to pay for maintenance. It is one thing to go along with having themselves build a kayak site, or working with others who help them build a kayak site, but maintaining it is way beyond their intent and interest. They want to avoid it at all costs, and if that is not done by others, then they are usually not interested in even having a kayak site built. This is very commonly expressed, and it is a major problem for the building of new water trails made up of several, if not dozens and dozens of new kayak launches. How can it be overcome?

With respect to permits, the Drain Commissioner says he has to obtain DEQ permits for digging, and in the case of working at or near the bay shore, he also needs to get a permit from the Army Corps of Engineers. The Army Corps is focused on dredging the commercial shipping channels, and preventing dredging anywhere else, unless they agree to it. Clearing weeds from a ditch mouth is apparently dredging in their eyes and is strongly resisted. There are cases reported locally where a DNR employee was scraping the beach at State Park, and was stopped, pulled off his equipment and ticketed by an Army Corps official for doing his job. To the Army Corps he was dredging without a permit, which would never have been issued. So beach cleaning became a huge political issue in Bay County.

The Drain Commissioner has attempted to get permission for clearing/digging open a drain mouth and planned to spread the dirt/weed mixture along vast acreage of emergent wetland shore and beach a few feet away. They were prevented from doing so by the Army Corps. The material had to be hauled upland, and deposited some distance away, at someone else’s expense, not the Army Corps’. Not only that, but the site where it was to be deposited had to be previously approved by the Army Corps. Farmers nearby, farming in exposed sandy bottomland soils, already have all of that soil type that they want, so the recipient farms have to be some distance away, making the hauling bill even more prohibitive.

The Drain Commissioner created special blade adjustments to his equipment so that his crews could run alongside a ditch with one end of the blade running low, and scraping up weeds and silt together, and depositing it at the high end of the blade at the top of the same ditch at the same location. Seems logical and harmless enough, except that the Army Corps absolutely refused to allow it and said the disturbed material had to be hauled to a distant pre-approved disposal site at some expense.

This is another major impediment to water trail development at sites with drains entering the Great Lakes, and will have to be resolved or many, many sites, otherwise viable, will remain forever undeveloped.

**Non-Profit Organizations Meetings and Presentations**

- **Saginaw Bay Watershed Initiative Network**
SBRC&D representatives presented the Saginaw Bay Water Trail Development Plans (Arenac and Bay counties) to the Land Use and Water Task Group. The presentation was a complete overview of the Saginaw Bay Water Trail project and was well received with indications that funding should be
available in the future for site improvements. The SBRC&D followed up with a meeting in September to give an update on the water trail project.

SBRC&D representatives met with the Project Review Committee November 24, 2015.

Attending were Chairman Bill Wright, Mike Kelly, Executive Director of the Great lakes Office of the Conservancy, Steve Kahl, Director of the Shiawassee National Wildlife Refuge, and his chief biologist, Mr. Koski from the Saginaw Valley State University Water Quality Program, Bob Zeilinger, President of the Cass River Watersheds, which just installed the Fish Passage Ladder at Frankenmuth along with kayak launches, Julie Spencer, Gratiot County Conservation District Administrator, and her environmental consultant, Doug Koop, President of the Little Forks Conservancy, Chuck Hoover, retired Director of the Saginaw Castle Historic Museum, who is currently President of the Michigan Archaeological Society and head of the Saginaw Voyager Canoe, Audrey Schwing of the DEQ Bay City Office, and representatives from the City Manager’s Office of the City of Corunna, and Frank Starkweather, Saginaw Bay Water Trail Alliance.

This group listened to and critiqued presentations for funding for (1) dealing with failed septic systems that are polluting (E. coli) the Chippewa River, (2) a program to remove hundreds of acres of invasive cattails in the National Wildlife refuge and convert them into food production sources for water fowl, (3) Removal of the failing dam on the Shiawassee River in Corunna and improving access for canoes and kayaks.

In each case discussion was held on kayak access at these respective sites. At the conclusion of the meeting, it is traditional for each attendee to give a brief update on their respective projects. Mr. Starkweather gave an update on the progress being made on the Saginaw Bay Water Trail. Questions and ideas relating to future water trail developments in their areas will be given to the Saginaw Bay Water Trail Alliance for technical assistance. The Saginaw Bay Water Initiative is interested in assisting with construction of water trail access sites.

- National Water Trail Symposium
  SBRC&D representatives attended the first ever national water trail symposium in Ann Arbor. Attended lectures; participated in group discussions; collected literature from water trail projects around the country; had discussions with attendees including the National Park Service officials, MDR officials, CZM staff, and Michigan Sea Grant representatives.

- Saginaw County Field and Stream Club
  SBRC&D representatives gave a presentation to 250+ members on the Saginaw Bay Water Trail Project. The presentation was well received. Members offered to help promote the project and requested that the same work done in the Saginaw Bay Water Trail Development Plan be done inland on the Saginaw County rivers.

- SBRC&D Summer Summit
  Frank Starkweather and Don Hamilton reported the project status to SBRC&D members at their annual summer summit aboard the USS Edson on the Saginaw River in Bay City.

- Sustainable Small Harbor Management Strategy Project – Au Gres
  SBRC&D members participated in charrette round table process to develop plans for the City of Au Gres. Design process centered on the city Harbor of Refuge and DNR Boat Launch as anchors for developing a sustainable community. Once plans are completed SBRC&D will work with Au Gres to implement plans in conjunction with the Saginaw Bay Water Trail.
• Friends of the Bay City State Park
SBWTA attended the Friends meeting. Present were several government, environmental and civic officials., including the Bay County Director of Environmental Affairs, Bay County Finance and Budget Director, leader of the Great Lakes Bay Trails group, and DNR Unit Manager George Lauinger. about 15 people in total.

A 15 minute presentation was given on the overall Bay County Water Trail Plan with special attention to three sites with in this group’s jurisdiction. Various members of the group initiated individual follow-up conversations offering support and giving caution about the difficulties they have had dealing with the DNR.

• Kawkawlin River Summit
This summit on the campus of Saginaw Valley State University October 28, 2015 was organized by Sarah McDonnell of the University of Michigan-Flint, Environmental Outreach Program. It was called for the purposes of sharing the latest progress on several projects having to do with the Kawkawlin River. This included river pollution from failed septic systems of residences lining the river, latest information on dredging and sediment removal, water purity samples by Saginaw Valley State University, and intentions to create a comprehensive Watershed Plan. The Saginaw Bay Water Trail Alliance was invited to present the background to the water trail, the scope of the trail in Bay County. This also included revealing the sites identified in the plan along the Kawkawlin River from the mouth at Saginaw Bay upriver to I-75. These sites included:

Kawkawlin River  Schmidt Road
Wheeler Road

In attendance were officials from the DEQ, the Director of Environmental and Community Affairs of Bay County, the President of the Partnership for Saginaw Bay, which is the public-private liaison group for the DEQ on matters of areas of concern and benefit use impairment. Also present were members from Kawkawlin Watershed Owners Association, private planning and environmental firms, staff from SVSU Water Sample Study Team, and the Congressman Killdee’s Office.

Although this Summit is not an organization which would be the sponsor of any kayak launch site, the presentation was welcomed as a demonstration of the diverse projects going on to improve the quality of life within the Kawkawlin River Watershed.

• Partnership for the Saginaw Bay Watershed
SBRC&D representatives met with William Wright, President November 3, 2015. Mr. Wright is retired from being the Saginaw County Planner, lives in Bay City and is a long standing member of several key organizations. In addition to heading the partnership, he is also the Chairman of the Land and Water Project Review Committee for the Saginaw Bay Watershed Initiative Network. WIN is a major local source of match money in the area along with the Bay Area Community Foundation. Mr. Wright also sits on the Environmental Advisory Board at the Community Foundation and passes on funding decisions in that category for the BACF.

Mr. Wright was unable to attend the earlier presentation made by the Saginaw Bay Water Trail Alliance on the Bay County Water Trail to the WIN Project Review Committee. Since he is such a key player in the future of the water trail, it was decided that an opportunity to have a private meeting would be extended. This turned into a 2.5 hour conversation ranging from the long term plans for the shore of Saginaw Bay and the River to the specific steps and stages the water trail must go through with the regulatory agencies and funding sources in order to begin implementation.
The meeting cleared up some false assumptions, misinformation, and created a lot of respect for how much work has been done at this stage by the Saginaw Bay Water Trail Alliance and how complex it is dealing with the regulatory agencies. Mr. Wright is now a strong advocate for the Water Trail Project and is willing to support our efforts going forward.

- Saginaw Basin Land Conservancy
  SBRC&D representative Frank Starkweather attended a meeting at the Bay City Rowing Club on November 16, 2016. Present were Mr. Rick Finn, City Manager, Darwin Baranski, Parks Director, Zac Branigan, Executive Director of the Saginaw Bay Land Conservancy, and members of a construction crew.

  Mr. Starkweather founded the Bay City Rowing Club 25 years ago and secured the funding for a large Victorian style boat house on the river, the moment the 12’ x 60’ rowing dock was installed back then, the kayakers appeared, and it has been the primary kayak launch site (off the dock) on the Saginaw River, ever since. Mr. Branigan had recently secured funds from the Bay Area Community Foundation and had taken steps to create a new and specialized site specifically for kayak launching at a spot close to the Rowing Club dock on the West Channel shore. Engineering drawings had been created, a building permit obtained, and work had begun. This included the intention of replacing the long gravel slope from the boat house down to the dock with concrete.

  What was overlooked was that the gravel slope had been originally built to comply with ADA regulations regarding slopes and level resting areas. When the gravel was recently removed, and the reinforcing wire was laid down, it became apparent that the construction crew was intending to pour a long continuous slope with no flat resting areas. This would have been contrary to the ADA specifications and would have rendered a rowing facility, fully compliant in every way since its building 25 years ago, no longer compliant. The kayak launch approach itself would also not be ADA compliant.

  Once discovered by Mr. Starkweather, this was brought to the attention of two key City Staff members, and when there was no action taken, Mr. Starkweather sought out the City Manager, who immediately looked into it. In the mean time the construction crew had poured the cement, with the incorrect slopes.

  The meeting referred to above was where all of the stakeholders met at the site to determine what to do. The biggest issue was the liability exposure the City had for a third party removing a compliant ADA ramp, replacing it with one that did not comply, and building a new kayak launch facility which did not have compliant access. After more than an hour of “discussion” it was decided that certain parts of the ramp would have to be cut out and redesigned, before new concrete would be poured. The next day it snowed five inches in Bay City, blocking any hasty re-pouring. It was put on hold while proper engineering was redone.

  It was announced that new drawings had been signed and sealed, and all appropriate permits were obtained from the City. Construction of a supplemental sidewalk complying with ADA regulations will be installed. Various other portions of the previously poured concrete will be removed and re-poured with the appropriate flat resting areas and slopes meeting ADA requirements.

  The outcome will be that the job will be done properly. Several stakeholders, who will be involved in seeing the Water Trail go forward on eleven potential sites on the Saginaw River, now understand how sensitive the regulations are that control water trail development.
SBRC&D representatives met with owners of these facilities and discussed the Saginaw Bay Water Trail and its objectives. Each of these entities was very interested in the project and has added kayaks and kayaking trips to their marketing and itineraries. The Pt. Au Gres Marina has installed directional signage to its site in addition to Arenac County signs.
Analysis of Regulations

STATE HISTORIC PRESERVATION REGULATIONS
The purpose of this report is to provide clarity about what triggers a SHPO review and, subsequently, an archaeology review.

The first question is: Does the project involve any of the following:
(1) is there any federal funding involved?
(2) is the project on federally owned land (such as a federal forest, federal highway, or land around federal buildings)?
(3) a federally controlled or licensed territory such as a hydroelectric dam licensed by the Federal Energy Regulatory Commission (FERC)?
(4) or is a project being undertaken by a federal entity such as the Army Corps of Engineers?

If the answer is “Yes,” there must be a Section 106 review. An application for Section 106 review is the form used when any of the above is applicable and filed with the State of Michigan State Historic Preservation Office (SHPO).

If the answer is “No” usually no Section 106 review is required.

Coastal Zone Management grants, although administered by the State of Michigan DEQ, are none-the-less federal monies (NOAA). Therefore, we conclude that all CZM funded projects require Sec.106 reviews to SHPO. Other funding sources may also require a Sec. 106 review, in which case, the applicant must file the forms for SHPO review.

The completed forms that arrive at the SHPO office are entered into a computer file and divided into two groups: those that are above ground (existing buildings, historic buildings, bridges, etc) or those that are underground. For those projects which are not above ground, the question asked is: Will the soil be disturbed? In other words, will there be digging, excavation, earth moving, etc. If the answer is no, then probably no further action is necessary, and SHPO is very likely to approve the project. For example, adding a load of sand at an edge of a concrete boat ramp so as to create a soft kayak launching pad would likely require no further action, as adding soil on top of soil is not digging into or otherwise disturbing the soil.

If the answer is yes (i.e. there will be soil disturbance) then a series of situations are reviewed. The proposed project site location is compared to the State Archaeologist’s inventory of known Indian burial sites. If it is determined there is one at or near the proposed “undertaking”, an archaeological survey will likely be called for, and the applicant will have to obtain and pay for the services of a professional archaeologist to conduct a survey.

Once that field report is completed and reviewed by the State Archaeologist, he will decide if a full-scale dig needs to be done (possibly resulting in some delays, more expenses, and more seeking of funds to cover additional costs). If the survey is judged to show no burial site or shows something of minor or minimal consequence, the project will likely be given clearance to go forward.

The federal law is designed to prevent the destruction of valuable historical sites. The State Archaeologist believes the shores of the Great Lakes (and its rivers) contain many significant sites, but there is not a good record of such sites. Sites are unknown and undiscovered, but have the most likely chance of being discovered by the Sec. 106 review process.

Although expensive, it would be possible to research the archives or historical studies and determine beforehand which proposed or contemplated water trail sites are near, or on top of, logged archaeology sites.
That way one would know before hand, and perhaps be able to modify the location or the project placement at a site. Failing this, each water trail site applicant (often a local unit of government, or their consultants) will need to file a Sec. 106 review form. Each site will be decided on a case by case basis.

In addition to proximity to a known recorded site, we were told about other criteria that are used in determining if a proposed site requires an archaeology survey. They are:

- Proximity to water (a near shore location gets SHPO’s full attention)
- Soil types (is it a well drained soil as opposed to muck where nobody camps)
- Elevation
- Slope
- Previous disturbance

Examples of cases involving previous disturbance: the proposed project would involve simple digging to install a sign post (or pounding in a post) along an existing road bed. Here the soil has been disturbed when the road and shoulders were built. In the case where there is also a ditch running alongside the road, the side from the shoulder to the bottom and then up the opposite/outside of the ditch has also been disturbed. Probably no survey would be called for (unless it is on top of a known site).

Installing signage adjacent to an existing parking lot (previously disturbed) would likely not require a survey. Even sites which have not been previously surveyed may not require a survey for simple sign post installation. (It would not disturb an archaeological site whether it was known or unknown). Even digging a 4’ x 4’ pit for a vault toilet might not require a survey, although, if the digging uncovered something of interest, the SHPO office would need to be informed.

Installing a drain field, or digging trenches across land previously disturbed in certain places (as in the case of extending underground wiring and underground water pipes to cabins at an existing campground site) would likely trigger the need for a survey. Milling and resurfacing an existing road, while disturbing the surface, would not trigger a survey. On the other hand, digging to add new curb and gutter along an existing road, being deeper excavation, would be looked at more closely to see if any known sites were known which would be threatened and needed to be protected. Likewise, the construction of a new hiking/biking trail across previously undisturbed land would probably trigger a survey.

We were told that the majority of new archaeological sites in Michigan are found through the Sec. 106 review process, primarily related to new large scale project construction such as new road/highway building, state prisons, new school construction, shopping center construction, etc. Apparently large scale contractors routinely put money in their construction budgets for archaeology studies in case it is needed.

Public road ends which approach, but usually stop short of, the water will be reviewed on a case by case basis. If a known site is adjacent, it may trigger a survey. If the improvements are no more disturbing to the soil than a load or two of sand or gravel for road surface improvement and parking in the ROW, or placing a sign post or two, and maybe a flag pole/windsock installation, the site will probably not require a survey.

If the project calls for no more than off loading some sand at the edge of an existing city/township/DNR concrete boat ramp (to make a pad for kayak launching use) that would probably not trigger a survey. First, it is previously disturbed soil; and secondly, it is adding soil, not removing soil (which is usually acceptable).

It was mentioned above that one of the decisive triggers for a Sec. 106 SHPO is the presence of federal funding, such as CZM, USDA, HUD, etc. It is our understanding that non-federally funded projects will not trigger Sec. 106 SHPO review. That means that funding from local community foundations, local private foundations, and the Michigan Natural Resources Trust Fund may not require a SHPO Sec. 106 review.
In cases where Indian burial sites are located, based upon the findings of the survey, a follow-up major dig to obtain the “story” will likely be required before the project will get clearance to begin construction. What the source would be for the money to cover the cost of a large scale dig was not discussed, but it likely would not be covered by the CZM grant, unless it was approved by CZM as part of the original construction budget. The time required for an archaeology survey and subsequent major dig could also cut into the planned delivery time of the approved grant project. Unless accommodations can be made by CZM for this situation, the finding of the need for an archaeology survey, or major dig, might eliminate a water trail project. With hundreds and hundreds of miles of Great Lakes shoreline waiting to have water trail sites yet to be installed along the Great Lakes shores, it is inevitable that several shoreline sites that have archaeological significance will be discovered. This has definite implications for the building of the water trail.

Where Indian burials are found at water trail sites, and somehow the required studies are funded and completed, it is appropriate that an interpretive kiosk be established at the site for the edification of the kayakers and the public at large. The expense of developing such kiosks should be included in project costs.

Preserving historical and pre-historical artifacts and cultural features is required by federal law. The SHPO review process is required to determine if any federally funded (CZM) projects create a threat to those artifacts and features. Applicants for CZM funds to build water trail access sites most often will not know beforehand if proposed projects would pose a threat to the federally mandated protection of the artifacts and the stories behind them. Developers of the Great Lakes Water Trail should be aware of these possibilities and do as much research and planning as needed to uncover archaeological potentialities before moving forward with their projects.

**AMERICANS WITH DISABILITIES & OTHER ACCESS REGULATIONS**

Developing trails and expanding the trail system is now a goal in the State of Michigan, as demonstrated by State plans and publications. Water Trails are included in that goal along with other types of trails such as snow-mobile trails and equine trails, among others.

One of the foremost challenges for water trail development organizations is to determine what the law mandates, what the law allows, what the law forbids. In the area of accessibility this is especially complicated. There is not one law, but three which potentially impact water trail access sites.

Architects, planners and certain engineers are required to take refresher courses on ADA, etc regulations, in some cases, annually. The goal is to keep that professional group educated about the latest regulations and case law, because they design facilities for people to use, and the law says the buildings and facilities must all be accessible.

On the other hand, the level of knowledge about the ADA requirements on the part of the general public, including ranking people within local governments and funding organizations is another matter. In our experience interviewing several key people in both groups, rather than clarity, we encountered inconsistency, confusion, and even conflict. Not being able to rely on the answers of so many influential people, as to what the law requires, we have found it necessary to contact experts at the national level. This includes national organizations specializing in this area, as well as the federal government itself.

In order to clarify this complex situation we contacted various federal government offices by phone, visited their web sites and also talked to national level organizations specializing in accessibility. This chapter will quote these authorities at length.

From the USDA United State Forest Service website publication called “Accessibility Guidebook for Outdoor Recreation and Trails- Fundamentals of Outdoor Recreation and trails Accessibility” – Legal Requirements:
“The Architectural Barriers Act (ABA) became law in 1968. The act http://www.access-board.gov/the-board/laws/architectural-barriers-act-aba mandates that all facilities designed, built, altered, bought, rented, or leased by, for, or on behalf of a Federal agency must be accessible.”

“In 1973, the Rehabilitation Act became law. Section 504 http://wwwdol.gov/oasam/regs/statutes/sec504.htm of the act applies to programs and activities that are conducted by Federal agencies and by entities that receive funding from, or operate under a permit from, Federal agencies. Section 504 requires that these programs and activities provide an equal opportunity for individuals with disabilities to participate in an integrated setting, as independently as possible.

“The Americans with Disabilities Act (ADA) became law in 1990. Except for Title V, Section 508(c), ADA http://www.access-board.gov/the-board/laws/americans-with-disabilities-act-intro doesn’t apply to Federal agencies’ facilities and programs. Federal agencies were already required to be accessible under ABA and Section 504 of the Rehabilitation Act before ADA became law. ADA applies to State and local government services, to public accommodations such as motels and hotels, and to organizations that are open to the public. “

In the same publication the US Forest Service also offers this advice:

“What Terminology Should Be Used?
Although people who have disabilities refer to themselves in many different ways and numerous “buzz words” have been used to describe people with disabilities over the years, direction for terminology was provided in the early 1990s. The 1990 Americans with Disabilities Act (ADA) uses the phrase persons with disabilities and the word accessible. When Section 504 of the Rehabilitation Act of 1973 was renewed and amended in 1992, its terminology was corrected to include accessible and persons with disabilities. Federal agency regulations, policies, and documents have used terminology that matches ADA and the Rehabilitation Act since that time.

“Accessibility is a medically definable condition that causes a limitation in one or more of a person’s major life activities, such as walking, seeing, hearing, speaking, breathing, thinking, and so forth. Person-first terminology is used because the person is more important than his or her disability. Examples include:

- A person who is blind—not a “blind person”
- A person who uses a wheelchair—not a “wheelchair bound person”, or a ”wheelchair person”

“describing people with disabilities as “handicapped” is offensive to most people with disabilities. The word “handicapped” should be eliminated from vocabulary, publications, and other materials.”

“Accessible facilities comply with the accessibility guidelines and standards. A site, facility, or program is either accessible or it is not accessible….The only way to evaluate accessibility is to evaluate the facility’s compliance with the guidelines in effect at the time it was designed, constructed or altered. There are no shades of accessibility. For instance, a parking space complies with the standards and is accessible, or it doesn’t comply with the standards and is not accessible. The specific technical requirements of the standards for surfacing, slope, and the size of the parking space and walkway connection must be met, regardless of the conditions around the parking space.”

In other words, according to our understanding of the ADA law and regulations, a road end (wherever it may end, near to or far from a river or the Great Lakes), probably can accommodate cars being parked there, but it is not a “parking lot” and probably has been in its present physical condition since historical times, probably predating the ADA law. If a road end is NOT improved, or does not HAVE to be improved, as part of a canoe/kayak water trail access project, (just continuing to be used in the same informal way it has been for decades) then it is possible that no handicap parking would be present. The second it gets improved to become
a “parking lot” the parking lot MUST comply with ADA regulations such as slope, hardness of surface, and at least one space for “Handicap Parking” with required signage.

If it is REQUIRED for every newly built access point to have a parking lot built, the cost of each access site goes up CONSIDERABLY, and therefore makes it less likely that it would become developed at all, or that fewer would ever get built with the very limited money available at present.

Water Trails are a series of access sites at comfortable intervals. The standard of the interval is not “set” but one can hear such distances as two miles, three miles, and five miles. Much over five miles becomes a problem of endurance and safety. The likes of seven miles or twelve miles probably mean that there is not really a water trail there in actuality. Instead, it is just a random placement of access sites, just a number of independent sites appropriate for local in-and-out use, but not distance traveled.

SURVEY OF EXPERTS
We called up a number of experts from non-profit organizations and government officials to find out just what rules and regulations are required when designing and building canoe/kayak sites. Specifically, our questions were directed toward which printed regulations apply to the design and installation of new canoe/kayak sites along the shore of lakes (including the Great Lakes) and the rivers. We quickly learned that many different people have very different answers to the question.

When we would ask for what the law requires for canoe/kayak design under ADA, and most people misinterpreted the question to be “What are all of the features that SHOULD go into a canoe/kayak launch. Then they would begin to recite a shopping list of what they thought would be nice, or convenient. Several of the responses were similar, but no two were the same. When pressed further to answer the original question for specific legal requirements, the numerous respondents began to waffle, and only a few would admit that they really didn’t know the law all that well, just what their understanding of it was. Their answers were well intended but not very precise. Finally one of them suggested we call Bill Botten.

UNITED STATES ACCESS BOARD
The US Access Board is the office within the federal government in Washington DC that actually writes the regulations for the ADA law and these have the effect of law. We have had extensive conversation with the contact person there, named Bill Botten. His phone number is (202)272-0014. Any person desiring to get the most accurate information should feel free to call and talk to him directly. By the way, he is a person in a wheel chair, and is an active kayaker! He was enthused to talk about the subject. At first, I got a lot of answers that sounded more like the wish lists I had heard before, but when pressed for what the actual official law and regulation said, Bill made the following announcement:

“There are no Federal government regulations for canoe/kayak launches under ADA.”

Bill went on to say that regulations for canoes and kayaks were not only “not written” but if they were being worked on, it would be years and years before they were issued. This was not only a surprise, but it created further confusion. What is a designer to do?

Bill’s response was to consult with other regulations which were in effect, and follow those as much as one could. The following is an examination of those regulations sent to us by Bill Botten which deal with guidelines in similar categories.

If there is to be a water trail, does it come under the regulations for trails? Quoting US Access Board “Trails-Definition [F106.5] “A trail is defined as a pedestrian route developed primarily for outdoor recreational purposes. Pedestrian routes that are developed primarily to connect accessible elements, spaces, and buildings within a site are not a trail.” In the box following “Do the Standards Apply?” The question is asked: “Is the
trail designed for hiker or pedestrian use?” The answer is No, so the regulations for a Trail do not apply to a Water Trail access site.

In a related section of regulations, “Trailheads and Trail Facilities- Definition [F106.5] a trailhead is defined as an outdoor space that is designated by an entity responsible for administering or maintaining a trail to serve as an access point to the trail. The junction of two or more trails or the undeveloped junction of a trail and a road is not a trailhead. For example, if a trail crosses the road, the crossing does not automatically become a trailhead.”

This certainly has several elements that could find themselves into a future set of regulations for canoes/kayaks, but they do not apply at present. “Designed as an access point for the (land) trail is one.” Careful note should be taken of the reference to “an entity responsible for administering or maintaining a trail.” Apparently there is an assumption that every trail must have an entity which does all of those things, such as administering and maintenance, etc. If a water trail has no such umbrella organization or governmental unit overseeing the water trail, then that is un-contemplated in the regulation for (land) trailheads. A water trail made up of sites each owned by independent local governments in a loose and informal confederacy, may not come under such future regulations for “administration and maintenance”.

The page of regulations continues with “Trailhead Information Signs – [F216.13 and 1017.10]. It is not necessary to reprint the several paragraphs here, but it deals with an extensive list of information which must be contained on a sign (kiosk?) describing the length of segment, type of surface, and additional information including “information to help people with disabilities decide whether or not to attempt a trail”, and more. Curiously, the US Access Board makes it a point to include a box announcing that the “International Symbol of Accessibility (ISA) is not required or encouraged on trail information signs.” (!) While these elaborate land trailhead signs may be desirable for canoe/kayak sites, they are not demanded by the ADA law, because there are no regulations for canoe/kayak launches yet written.

In Chapter 10 of the US Access Board Regulations, several pages are devoted to “Recreational Boating Facilities”. As one reads through these pages it becomes apparent that they are referring to docks and gangways and floating piers, where (primarily motor) boats launch, pull up, and receive and discharge passengers. Since canoe/kayak launches are so similar, one is tempted to use the regulations from this chapter and force fit them onto canoe/kayak access sites, even though there are no regulations written yet for canoes and kayaks.

For the record, 1003.2 Accessible Routes. Accessible routes serving recreational boating facilities, including gangways and floating piers, shall comply with Chapter 4 except as modified by the exceptions in 1003.2” and “1003.2.1 Boat Slips. Accessible routes serving boat slips shall be permitted to use the exceptions in 1003.2.1”. In exception 4 it reads: “Where facilities contain fewer than 25 boat slips and the total length of the gangway or series of gangways serving as part of a required accessible route is 30 feet (9145mm) minimum, gangways shall not be required to comply with 405.2.” This does not sound like regulations which would apply to a typical canoe/kayak access site, but it may apply where EZ Docks are to be installed.

The third body of regulations printed by the US Access Board is titled “Beach Access Routes”. “Beach access routes allow pedestrians to cross a beach so that they can play, swim, or participate in other beach, or water-related activities. A beach access route is a continuous, unobstructed path that crosses the surface of the beach and provides pedestrians access to the water. Beach access routes are not required where pedestrian access to the beach is not allowed.”

“Beach access routes can be permanent or removable. Removable beach access routes may be an option where restrictive permits are issued in coastal and shoreline areas, where seasonal tides or high flows may remove or damage a permanent structure, or in areas where the beach erodes builds up quickly each season
and causes a permanent beach access to become inaccessible. Removable beach access routes can be moved to a protected storage area during storms and other periods when the routes are subject to damage or loss.”

Scoping Requirements.
Facilities Serving Beaches [F248.1.1] Beach access routes are required when an entity that administers or manages a beach constructs or alters any circulation paths, parking facilities, toilet facilities, or bathing facilities that serve the beach.”

“Beach Nourishment [F248.1.2] Beach access routes are required when an entity that administers or manages the beach undertakes a beach nourishment project.

“Minimum Number of Beach Access Routes [F248.2] At least one beach access route must be provided for each one-half mile of beach shoreline administered or managed by the same entity. This section continues with several more sentences.

In discussing the section on Beach Access, a number of questions come to mind. Where it says “or other beach- or water-related activities in the first paragraph, do those include beach canoe/kayak launching or not? If it does, then every road end promising to turn into a canoe/kayak launch on the shore of the Great Lakes may have to conform to the physical designs of this ADA regulation, with heavy design, and cost consequences. Continuing on “Does the shore line beyond a road end, which ends near or at the high water mark of the Great Lakes constitute a “Beach” for the purposes of this regulation? It seems that at beach is assumed to have a great length, since the figure of ½ mile is mentioned. Certainly a road end is not near that size, and therefore may not meet the definition of being a “Beach”. These regulations would likely apply to places like State Parks, with long beaches operated by the MDNR, as well as certain waterfront community parks.

A permanent beach access to the shores of the Great Lakes would be exposed to regular and frequent storm and winter ice damage. Who would pay for replacing it every year or so, or more often? Is a removable access required? The regulations assume that there is a manager of the beach, presumably with a staff and facilities. It is assumed that they would roll up the beach access mat and store it safely each evening. In the case of Great Lakes road end canoe/kayak access sites at road ends, there is no manager, there are no staff, and there are no storage facilities. If the ADA regulations insist upon temporary beach mats being paid for and rolled up for storage overnight, it is entirely possible that the local government, who would presumably find the funds to build and install, would find such a requirement impossible to live with, and would decline to build because of it.

But then, we were told, that there are no ADA regulations for canoe/kayak launches, so maybe those for Beach Access do not apply either.

It should be mentioned that the US Access Board also has a section on “Notification Forms. The text states: “Documentation is required where a condition for exception prohibits full compliance with a specific technical requirement, per Section F201.4.1. The documentation must include the reason that full compliance could not be achieved and must be retained with the proper records. In addition to the reason for the exemption, documentation can include the date the decision was made and the names and positions of the individuals making the decision.”

This section continues on for several paragraphs, but this does raise the point about how strict the ADA regulations are and whether it is an all or nothing proposition. Is it possible to comply with substantial parts of the ADA regulations relating to canoe/kayak launches, and not with others? If so, which ones, and how does one go about doing that?

38
It is common to hear from the opinions of people in the civic sector that if you are offering as large number of places where programs are available to the public, it is not necessary for absolutely every one of them, every part of every facility, be compliant with ADA. Instead, if one can produce a percentage that gives good access in some smaller number of sites that would be sufficient. It is claimed that equal access to the resource (the trail, the woods, the water, the fishing sites, etc.) is indeed, being offered, and that is good enough. We have never heard this said by an ADA official, however, so the question remains.

We have viewed and reviewed the massive official publication “American Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities (published by the US Architectural and Transportation Barriers Compliance Board (Access Board) W/DC 20004-111 PH (202) 272-0800. No where have we found any paragraph which answers the question: How many parts of a facility are required to be handicap accessible?

We did locate tables for parking and boat slips. Not all parking spaces or boat slips need to be accessible, but a certain number (such as 1 in 25) is offered. We did find the sentences offered at the beginning of this chapter which says “A site, facility, or program is either accessible or it is not accessible… The only way to evaluate accessibility is to evaluate the facility’s compliance with the guidelines in effect at the time it was designed, constructed or altered. There are no shades of accessibility.”

And we have the pronouncement by the person at the Access Board who said “There are no Federal government regulations for canoe/kayak launches under ADA.”

**DEQ AND ARMY CORPS REGULATIONS**
The basis for the information contained in this overview is a 2007 publication by the MDEQ that is still being circulated for owners of land fronting on the Great Lakes. It is entitled “Along the Shore-A Shoreline Management Guide for Michigan Coastal Landowners.”

This 12 page pamphlet declares that the US Army Corps of Engineers and the MDEQ are responsible for “regulating how private landowners manage the land along the Great Lakes coast.” (It did not comment on regulating land along the Great Lakes coast which is owned by a government, such as a road end. We presume that the same agencies will claim authority over that as well.)

The “responsibility to protect the public’s interest in unimpeded navigation, clean water, and environmental quality” comes out of the federal *Clean Water Act* and Part 325, Great Lakes Submerged Lands, of Michigan’s *Natural Resources and Environmental Protection Act (NREPA).*

Reference is made to the all important Ordinary High Water Mark (OHWM) used in “defining the extent of state and federal authority over Great Lakes bottomlands.” Some of the statutes also apply to lands above the ordinary high water mark, especially if they are wetlands.

The pamphlet enumerates several activities which people are allowed to do without a permit. These focus on small scale projects involving the use of hands or hand tools, such as raking and minimal shoveling. “If you wish to undertake mechanized activities or work on a large scale, such as adjacent to your entire waterfront, you need to obtain permits from both the Corps and the MDEQ.”

Taking effect in the summer of 2008 was a new General Permit (GP). If the applicant intends to conduct activities listed, then they would probably be issued a permit of this type he allowed activities apply only to the zone between the OHWM and the actual waterline. “Leveling sand, grooming sand, and construction of a path, may only be conducted in areas that are naturally free of vegetation, or where vegetation has been removed in accordance with the NREPA.”
The GP category allows for the use of “abbreviated application forms for both the Corps and MDEQ applications.” These are available from [www.michigan.gov/deqwetlands](http://www.michigan.gov/deqwetlands).

On the other hand, “any mechanized activities or construction of structures on the Great Lakes shoreline (dredging, filling, building a dock, disking, plowing, mowing, etc.) that exceed those that may be authorized under the GP category…require an Individual Permit from the MDEQ. Mechanized activities below the water’s edge also require an Individual Permit. This type of permit application requires a higher fee, a public notice, a potential public hearing and a more thorough review by the Corps and MDEQ.” See [www.michigan.gov/jointpermit](http://www.michigan.gov/jointpermit) for that application form.

The OHWM is a subject of some misunderstanding. This pamphlet claims it is the boundary between upland and bottomland. It claims that it “is established by using marks on the shoreline where the long-term presence of water leaves a distinct impression indicated by different soil types, surface configuration, or vegetation. The line persists through changes in water levels and may be above the current water level.”

Since this is so subjective, and open to different interpretation from person to person, and from “official” to “official.” An effort has been made to define the line as one which can actually be surveyed, in order to avoid all of the confusion. It is our understanding that that the OHWM level for Lakes Michigan and Huron is now set at 581.5’ above sea level.

Greater details can be found by contacting the MDEQ Environmental Assistance Center at 1-800-662-9278, or [www.michigan.gov/deqwetlands](http://www.michigan.gov/deqwetlands). The US Army Corps of Engineers Regulatory Staff can be reached at (313) 226-2218, or [www.lre.usace.army.mil/who/regulatoryoffice](http://www.lre.usace.army.mil/who/regulatoryoffice).

Any group proposing to design and install canoe/kayak access points along the shore of the Great Lakes or in the rivers of Michigan are advised to contact these agencies early, so that all will know what is expected of them.

**DEQ PERMITTING PROCESS**

The DEQ regulates laws regarding anything to do with public waters of the state. Any developer of a water trail site, whether it is a unit of local government, the DNR or private land owners, are admonished to contact the DEQ early in the planning of implementation.

The first thing to do is to meet with the DEQ and supply basic information about what is intended to be built. Do this with the understandings that once the DEQ reviews it, the plans may well have to be changed to conform to the law. The developer’s early contact will be centered on just exactly which of several laws, and which of several internal DEQ Divisions will be involved in the permitting process.

Examples could be matters of erosion control, whether the project is in a wetland, whether it is in a flood plain, whether dredging is involved, whether aquatic vegetation has to be disturbed/removed, whether construction is proposed below the OHWM, or below the waterline, etc.

A few examples are offered:

If canoe/kayak access site on the Great Lakes stops at the Ordinary High Water Mark (OHWM) (which is 581.5’ above sea level on Lake Huron and Lake Michigan), then a number of laws will not apply, but some will. If the access site does indeed cross over the OHWM (and presumably goes into the water) then a number of laws come in to effect that can significantly complicate the project and cause a much greater expense. Some potential sites may have to be cancelled as a consequence.

If a proposed canoe/kayak access site is to be placed on the bank of a river, a determination will have to be made by DEQ as to which laws and which permits must be obtained. Questions such as wetlands, flood plain,
adding material, taking away material, permanent ground level construction (sand, gravel or cement), seasonal shoreline construction (such as rafts, ramps or docks) will all have to be answered to establish how many permits need to be obtained.

The DEQ does not have a publication designed to facilitate Water Trail access site development. The DEQ staff we approached seemed confused as to how to answer all of the variety of locations and designs which the terrain of various areas would require. Lacking such a facilitating publication coming from the DEQ, the only thing that can be done is to request the DEQ for a “Pre-Application Request.”

According to the form for such a request, the water trail site developer will need to supply extensive information to the DEQ staff so they can understand what is planned, before a meeting is called for discussion. According to their table, for a proposed project on a single-family residential lot less than one acre the fee is free if the meeting is at the District Office. If the meeting is to be at the site, the fee is $100. Something called “Other pre-application meeting in district office” costs $150. If this “other” category includes a road end at the water (which is not residential, and is less than one acre) then water trail developers had better be able to finance $150 for a pre-application meeting out of funds from somewhere, presumably before funding is obtained by state level grants and local matches.

When asked if more than one site could come in under one pre-app, the DEQ staff was uncomfortable to answer, because they had to know if the project sites were close to one another and in the same local government jurisdiction, etc. They seemed much more comfortable with the notion that they would collect $150 for each individual pre-application to meet in the District Office. By the way, they have a category called “Other meeting on project site”, which must mean a non-residential site (like a 66’ road end?) or a commercial site. In that case the meeting is $250 for the first acre or portion of the acre. Each additional acre or portion of acre adds $50, with a maximum of $1,000.

Once the pre-application meeting is held the staff determines that (1) a permit is needed, (2) a permit is not needed, (3) they can’t determine based on the information given. That suggests that giving the DEQ more information rather than less will avoid having to re-file and presumably repay the fees. The pre-application form is only three pages long.

If a permit is required, it is bound to be what is called a Joint Permit. The application form can be found at www.michigan.gov/jointpermit. Upon arriving at the site one will notice an extensive list of links titled “Application,” “Support Material,” “On-line Services,” “Related Links.” Staff recommended that a considerable amount of time be spent visiting these links for the applicant to be better able to understand what the laws, regulations and application information requests amount to.

The Fee schedule is found under “Application”, and is a pdf which is several pages long with a great variety of fees. The fees depend upon a determination by DEQ staff as to which permit category fits your situation. These pages are joint in the sense that both State DEQ and Federal Army Corps of Engineer permits and fees are dealt with. There are many and they are not inexpensive.

It should be noted that the DEQ has provided a category for marinas, and a water trail applicant must be careful to make staff understand that a road end canoe/kayak launch is not a marina. Unfortunately, as mentioned earlier, the DEQ provides nothing specific to address canoe/kayak launches directly.

Conclusions
SBRC&D representatives reviewed all the launch and landings sites identified in the Arenac County Blue Water Trail Development Plan and the Bay County Saginaw Bay Blue Water Trail Development Plan (85 sites) with the municipalities, counties, and agencies where the sites are located. As indicated in the text, most entities are keenly interested in pursuing improvements of one or more of the sites reviewed. Some
communities have altered their master plans and/or have prepared resolutions and have budgeted to carry out the implementation of the water trail. Others have already applied for and garnered grants to construct improvements. Some trail improvements are under construction. The Michigan Department of Natural Resources Units are pursuing kayak and canoe access projects at their boat launch and public access sites along the trail. But, we have identified potential obstacles to easy implementation of water trail launch site improvements. There appear to be more than a few laws or policies that contradict other policies and the intentions of establishing the Saginaw Bay Water Trail as we all have envisioned and planned. There are also unknowns such as the requirements for the disabled and handicapped at launch and landing sites. These issues have been examined thoroughly in this report.

The SBRC&D has had extensive experience performing improvements & installations of various kinds on the Great Lakes & its tributaries, rivers and creeks. It has dealt with the various laws and regulations reviewed in this plan and can say that such site to be constructed or improve on these waters will be reviewed on a case-by-case basis by the proper regulatory authorities. Specific requirements must be met; but if there are none, the operative guideline that has been used is to provide the best possible access under the circumstances. In almost every situation an appropriate solution was found to complete a project.

There also have been repeated questions of maintenance and liability. These issues need to be addressed by the municipalities or other entities installing water trail amenities, but we believe the maintenance of the water trail launch sites can be quite minimal and the liabilities are no different that other park and recreation facilities. While we recognize the objectives of the various laws and policies identified in this report that appear to be problems for water trail implementation, we also have read the goals and objectives put forth by the State of Michigan (e.g. Managed Public Land Strategy, the Statewide Comprehensive Outdoor Recreation Plan, and the Michigan Comprehensive Trail Plan) advocating the installation of land and water trails. Recent emails from George Lauinger, MDNR Unit Manager for the Bay City Recreation Area, indicate, “in recognition of the importance of water trails in Michigan, the DNR has been moving quickly to implement a decision-making process for water trail proposals.”

**Future Actions**

Saginaw Bay Resource Conservation & Development and the Saginaw Bay Water Trail Alliance will continue to meet with the communities and agencies that we have addressed in this plan to aid them to build the Saginaw Bay Water Trail. We have distributed the water trail development plans widely. We have met with various funding institutions and can aid communities and others to garner monies to build facilities at launch and landing sites. We have helped communities to begin constructing kayak and canoe launches and we can and will provide our experience and expertise to guide those that have indicated their interests in completing the Saginaw Bay Water Trail.