



Bloomfield Township

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April 25, 2024

Via US Mail and E-mail at: dnr-director@michigan.gov

M. Scott Bowen, Esq.
Director, Department of Natural Resources
Constitution Hall
525 West Allegan Street
P.O. Box 30028
Lansing, MI 48909-7528

Re: Bloomfield Township's Appeal of Local Watercraft Controls for Forest Lake, Island Lake, Lower Long Lake, Gilbert Lake, and Wing Lake

Dear Director Bowen:

Bloomfield Township and its residents living on or near ten lakes are pleased that the Department of Natural Resources ("DNR") determined that "conditions exist that support the need for a local watercraft control." We wholeheartedly agree that conditions exist for local controls. In fact, since 1970, a Township ordinance prohibited on thirteen lakes in the Township internal combustion engines ("ICE") and allowed only electric engines, which, at the time, were technologically limited to the power of a trolling motor. An oversight in 1970 resulted in the Township not obtaining DNR-approval of this ordinance. To correct this oversight, on July 13, 2022 the Township asked the DNR for approval of the existing rule and an expansion of its local watercraft control ("LWC") to prohibit high-speed electric motors. Specifically, we sought a three-part LWC that would prohibit ICE watercraft, limit the power of electric engines, and impose a slow-no wake speed limit.

Over 175 residents of the Township appeared at the DNR public hearings and nearly unanimously expressed their strong desire to maintain the same rule and expand it to prohibit high-speed electric boating. Many more sent written public comments in support of the local controls sought by the Township. Furthermore, our state and local elected officials, including the Oakland County Sheriff, expressed support for our proposed LWCs.



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The DNR Law Enforcement Division recommended the establishment of a “slow-no wake” LWC. The Township and residents have carefully considered that proposed local control. As a result, at its April 24, 2024 meeting, the Township Board introduced an ordinance to implement the DNR-proposed LWC for all ten lakes: Forest Lake, Lower Long Lake, Island Lake, Gilbert Lake, Wing Lake, Wabeek Lake, Orange Lake, Sodon Lake, Chalmers Lake, and Meadow Lake. The Board will be asked to adopt the slow-no wake ordinance at the May 13, 2024 meeting. The Board is expected to adopt the ordinance.

Concurrently with pursuing adoption of the recommended “slow-no wake” LWC control, the Township Board directed the Township Clerk to appeal to the DNR Director to adjust the Law Enforcement Division’s recommended control to add a prohibition of ICE propelled watercraft on Forest Lake, Lower Long Lake, Island Lake, Gilbert Lake, and Wing Lake. Please consider this letter the Township’s appeal pursuant to MCL 324.80110(6) for the aforementioned lakes.

We appeal these five (5) lakes because they are the largest of the original ten lakes and they are most likely to see immediate conflicting uses. Also, with regard to Forest Lake and Lower Long Lake, they are connected to Upper Long Lake, which is an “all sports” lake. As a result, it would be easy for boaters to cross into Lower Long Lake and Forest Lake and operate in such a manner that would create conflicting uses and unsafe conditions. This is because the long history of no-ICE has proven to be easily monitored whereas, enforcing a slow-no wake control is akin to catching the wind.

The request to revise the recommended local watercraft control to add a prohibition of ICE propelled watercraft is supported by the information Bloomfield Township has previously submitted with its petition and its verbal/written public comment and the following:

- (1) The DNR has the legal authority to recommend an ordinance to “prohibit” the use of certain vessels to “assure” compatible use of state waters and “best” protect the public safety. MCL324.80108.

We recognize the DNR’s singular focus on assuring compatible use and protecting public safety. We desire the same and, in furtherance of that concern, point out that during the past 50 years the Township’s lakes have been safe because they are free from incompatible uses. The DNR’s own preliminary investigation reports reveal that there is a complete absence of safety complaints or accidents on these lakes. Given this unblemished history of safe lakes and compatible uses, the Township is concerned that removing the “no motorboat” control – even when replaced with a slow-no wake control – invites incompatible uses and complaints/accidents and, therefore, renders Township lakes less safe. We recognize that determining what LWC will assure compatible use and best protect public is fully within the DNR’s discretion. However, in exercising its discretion the DNR could look at the “historical uses of the water body,” which is a required factor under MCL 324.80110(2)(i). Under that consideration, the half-century track record of safety is a historical basis to continue the “no motorboat” LWC in addition to the proposed slow – no

wake LWC. Bottomline, in petitioning the DNR, the Township sought approval for an additional LWC to assure compatible use and to best protect the public safety. Instead, the DNR authorized a different LWC, which the Township believes makes the lakes less safe.

- (2) The department is to “prescribe local regulations in such a manner as to make the regulations uniform with other special local regulations.” MCL 324.80108.

The DNR has approved LWC’s that prohibit motorboats for other lakes. There are 27 lakes in Oakland County with DNR-approved ordinances prohibiting motorboats. [Oakland Co. DNR-approved Local Watercraft Controls](#). Two recent examples are Green Lake in West Bloomfield Township, which is 100 acres in size and Square Lake in Orion Township, which is 65 acres in size. For Green Lake, the DNR approved an ordinance prohibiting “motorboats” and limiting electric vessels to 10mph. A similar outcome occurred for Square Lake where the DNR approved an electric-only ordinance.

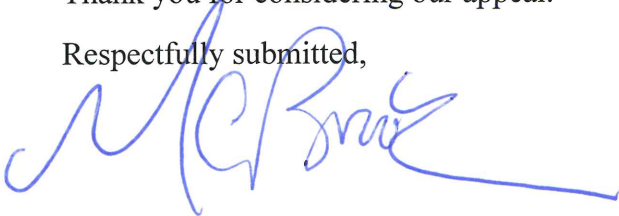
- (3) The department is to “consider whether the body of water is public or private.” MCL 324,80110(2)(j).

Bloomfield Township’s request is supported by a unique history and widespread resident support. As previously stated, since 1970; thirteen of our lakes have been subject to a Township Ordinance prohibiting ICE watercraft. While we recognize that the proper process was not followed at that time, locally the ordinance was presumed valid and residents adhered to it because they widely support the prohibition. The DNR, by not recommending a prohibition of ICE watercraft, has essentially lifted the Township’s existing LWC. Nearly unanimously, residents commented at DNR public hearings that they did not want this to happen – they want the status quo preserved and enhanced. The Township argues that these two unique historical and current factors strongly support a DNR recommendation to continue to prohibit ICE watercraft. Based upon MCL 324.80110(2)(j), the expressed community desire should be a highly significant factor in the DNR’s considerations. All of the subject lakes are private with no public access and nearly 100 percent of the public comments from riparian and lake access owners want to continue the 50-year “no motorboat” tradition. Therefore, the present factual situation is so unique (50-year history of a local ordinance with near unanimous local support) that a DNR prohibition of ICE watercraft would be easily distinguished from future requests. Since this situation stands alone, if a slippery-slope concerning local watercraft controls were to exist, this situation is surely not contributing to that slippery-slope because of the highly unique facts stated above.

In summary, Bloomfield Township appeals the recommended LWC because it actually reduces our historical controls rendering the lakes less safe. Further, the combination of the fact that the private lake owners universally support a prohibition of ICE propelled watercraft on their lakes coupled with our 50-year "no-motorboat" history makes this a unique petition that deserves a unique resolution.

Thank you for considering our appeal.

Respectfully submitted,



Martin C. Brook
Clerk, Charter Township of Bloomfield

Copy: Senator Jeremy Moss
Representative Donni Steele
Representative Samantha Steckloff
Representative Noah Arbit
Representative Natalie Price
Representative Sharon MacDonell

Sheriff Michael Bouchard
Commissioner Marcia Gershenson
Commissioner Angela Powell