

## Do All Riparians Hate Public Lake Access Sites?

There seems to be a common misperception that all riparians dislike public access sites on their lake. While it is always hazardous to generalize about any group (including riparian property owners), the belief by some that most riparians oppose public lake access sites is generally erroneous.

Of course, some riparians do oppose public access sites on their own lake as a matter of self-interest or as a “matter of principle.” However, the feelings of most riparians about public access sites are more complex and oftentimes subtle. And, in many instances, concern about public access sites on relatively small inland lakes in Michigan is both rational and justified.

Public access sites for boats and watercraft on the Great Lakes and on large Michigan inland lakes often have minimal negative impacts upon lakefront property owners on those lakes. On larger bodies of water, boat overcrowding is generally not the significant problem it can be on smaller inland lakes and conflicts among lake users are simply generally less frequent on larger bodies of water. On smaller bodies of water, public access sites can cause overcrowding of the lake involved or exacerbate existing overcrowding problems.

Riparians on inland lakes often confront what has been referred to as the “rental car” problem. As most people know from experience, the users of rental cars tend to treat the rented vehicles with less care than their own automobile or truck. Likewise, boaters who use public access sites on lakes where they do not own property are typically not as considerate as they might be in their own lake neighborhood. Issues with reckless boating behavior, littering, loud partying, abusing alcoholic beverages and similar problematic behavior can increase when a boater is using a lake in which they have no vested or personal interest. Although the evidence is anecdotal, riparians on lakes that had their public access closed or severely restricted have frequently reported that littering, reckless boating behavior and similar negative problems decreased thereafter.

Many of the problems associated with public lake access sites arise out of a failure by the Michigan Department of Natural Resources (the “DNR”) or local governmental officials to sufficiently police their public access sites or tailor the sites to “fit” the lake involved. For example, public access sites (and their parking facilities) should be “sized” to the

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inland lake involved.<sup>1</sup> While fully improved public access sites with parking for dozens of vehicles may be appropriate for the Great Lakes and large lakes such as Houghton Lake or Higgins Lake, the same would not be safe or reasonable for a small 40-acre inland lake. The DNR and local governmental units should be required to carefully monitor and police their public access sites, even to the point of having an attendant physically present for larger sites. Public access sites on smaller lakes should limit the size, type and horsepower of boats that can be launched. On a 60-acre inland lake, kayaks, row boats and small fishing boats might be appropriate while speed boats, ski boats and larger motor boats should not be allowed. Just as certain public trails limit use to foot traffic and bicycles (and prohibit snowmobiles, trucks, ATVs and side-by-sides), so too should public access sites on small lakes limit types of usage.

Unfortunately, our state government appears to have an unwritten rule or philosophy that has been followed for the past half-century or more – the more boats and watercraft that can be jammed onto an inland lake in Michigan, the better for purposes of tourism, commerce, business, etc. That unwritten policy is not only unreasonable, but it makes for unsafe boating, negatively impacts property values and likely actually hurts tourism by overcrowding lakes and degrading the quality of our beautiful natural resources.

Most riparians are amenable to reasonable public access for lakes. Very few riparians oppose public access sites for swimming, sunbathing, lounging, fishing, kayaking and similar low-impact activities. And, in fact, most riparians do not have a problem with the use of public access sites for rowboats, sailboats, and small fishing boats. It is the sometimes negative, high-impact uses (i.e., large power boats, ski boats and wake boats) that are problematic.

Lake public access sites also contribute to the transportation of unwanted aquatic invasive species to lakes. Such “unwanted visitors” on boats and watercraft can include Eurasian milfoil, zebra mussels, phragmites and unfortunately, and likely in the future, Asian carp. Again, the DNR and local governmental authorities with public access sites have an abysmal track record regarding the mandatory washing of boats and watercraft (and monitoring thereof) by members of the public when they launch a boat at a lake public access site.

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So is opposition by riparians to public access sites selfish and unreasonable as goes the common misperception? Perhaps in a small minority of cases, yes. However, in many other cases, the concern by riparians is both rational and warranted given the host of challenges and real negative impacts that can result from poor (or absent) use policies and enforcement.

To summarize, the following are some of the typical problems associated with public access sites on smaller lakes in Michigan:

1. The “rental car” syndrome.
2. Littering.
3. The carrying in of harmful aquatic invasive species when boats or watercraft from other areas are launched.
4. Speeding, careless or reckless boating.
5. Causing overcrowding (or further crowding) on lakes with boat traffic.
6. Negative impacts on property values.
7. Rowdy behavior, partying, excessive drinking of alcohol, etc.

The following are some of the policies that the DNR and local governmental units that own or control public access sites should undertake:

- A. Tailor the particular public lake access site to the lake involved, both in terms of the amount of parking and the uses allowed.
- B. Actively police and regulate the public access sites, including towing of vehicles where appropriate.
- C. Use gates or other appropriate barricades to “close” public access sites during night hours.
- D. Have real human beings present as attendants for the busier public access sites.
- E. Require the washing of boats and watercraft when they are removed from the water and provide facilities for such washing.
- F. Impose a permit fee system and use the funds only for improving, policing and regulating the public access site.
- G. Use increased police patrols to minimize, catch and punish bad behavior.
- H. Have trash and garbage disposal receptacles and facilities present on site that are regularly emptied.
- I. Post all of the lake access and boating rules and regulations at the site.
- J. Close public access sites that create severe problems.

<sup>1</sup>I authored an earlier article for *The Michigan Riparian Magazine* in August, 1998 called “A Modest Proposal” regarding tailoring the size and type of public access facility to particular lakes. 