



MICHIGAN UNITED *Since 1937* CONSERVATION CLUBS

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Uniting Citizens to Conserve, Protect and Enhance Michigan's Natural Resources and Outdoor Heritage

April 16, 2020

Governor Gretchen Whitmer
State of Michigan
P.O. Box 30013
Lansing, MI 48909

RE: Executive Order 2020-42

Dear Governor Whitmer,

Michigan United Conservation Clubs (MUCC) is a 501(c)3 conservation organization representing more than 200 affiliate clubs and 40,000 members in the state of Michigan. Founded in 1937, our mission is to unite citizens to conserve, protect and enhance Michigan's natural resources and outdoor heritage. Our membership is a diverse collection of organizations and individual members whose missions involve conservation of fisheries, wildlife and natural resources, as well as the promotion of hunting, fishing and trapping activities. Michigan United Conservation Clubs is the largest statewide conservation organization in the nation and is an affiliate of the National Wildlife Federation. Today, we are reaching out to you to express the concerns our organization and its members have regarding Executive Order 2020-42.

MUCC is cognizant of the public health crisis associated with COVID-19 and supports the administration in taking well-informed action to curb the spread of this novel virus. Our members, our friends and our families have been greatly impacted by this virus, and we mourn the losses to our great state. However, throughout this "Stay Home, Stay Safe" order, Michigan anglers, boaters, hunters and recreationists have been left confused and frustrated with the prohibition of motorized boating.

The messaging and interpretation of this prohibition was presented on Friday, April 10 through a "Frequently Asked Questions" page on the Michigan Department of Natural Resources and your website, and a DNR Facebook announcement. MUCC was disappointed by the lack of transparency and communication from the administration and department regarding the prohibition as a result of the executive order. We were frankly caught off guard and were unable to receive critical information going into a holiday weekend on how to communicate the impetus behind this interpretation. EO 2020-42 does not mention motorboating as being prohibited, and in fact, encourages outdoor physical activity.

While some may see snow and hail in April as a reason to stay home, anglers have the greatest diversity of fishing available this time of the year. Many rely on this fishing not only as high-quality protein for their family and friends but also as an activity important to their mental health during the stresses of this pandemic. But these anglers need access to the waters and the fisheries in order to participate in this activity, which collectively contributes not only state license revenue to manage and protect our fisheries, but \$2.3 billion dollars to Michigan's economy annually.

MUCC and its members fully understand the risks that areas like the Detroit River, Tippy Dam and Saginaw Bay boat launches have posed. In the spring, these areas are flooded with anglers from all over Michigan and out of state. We support measures to mitigate risks in these highly-frequented locations. However, these are only a few small examples of the thousands of public and private accesses we have throughout Michigan that are infrequently visited by people with motorboats and could be vital to Michiganders' mental health and wellbeing during this time. MUCC stood ready to defend the decision to shut down access at Tippy Dam, and we could have been a partner in helping to focus communications and education for the angling and boating public in additional problem areas. But we were not informed of further problem areas to be able to assist.

Furthermore, the interpretation of the EO impacts even more significantly people who live directly on the water. Homeowners are unable to leave their back door and get on their boat. MUCC has been bombarded with questions that we cannot answer, and there are clear discrepancies between EO 2020-42 and its interpretation. Michigan anglers and recreational boaters need clear and specific laws presented to them – not subjective responses to FAQs untethered from the actual language of the order.

We ask the administration to reconsider the interpretation of the recent EO and allow low-risk areas to be open to motorized boating with proper social distancing protocols and to address closures on a case-by-case basis, just like Tippy Dam. MUCC wants to be a partner in helping communicate safe practices, and the organization would be open to helping you develop communications to Michigan anglers and recreational boaters. Furthermore, we would encourage your office to clearly and specifically state what is allowed through regulatory language in an EO.

Executive Order 2020-42 does not specifically prohibit the use of a motorized boat, but rather an FAQ is used to ban the activity. It is our opinion that there is no legal framework by which a nexus between the EO and the FAQ can be drawn. Citizens have a legal and binding right to clearly understand the violations they may face. The current contradictions are unacceptable and unenforceable.

We are navigating uncharted waters, and MUCC wants to be the voice of reason connecting hunters, anglers and recreationists to your office. However, it has become increasingly difficult to ease frustrations from our members given the broad nature of the recent EO interpretations. MUCC is reluctant to turn to the courts, much-preferring dialogue and common sense resolutions to our collective challenges. That said, our 40,000 members will not accept a blanket prohibition from using boats for long.

Yours in Conservation,

A handwritten signature in black ink that reads "Amy Trotter". The signature is written in a cursive, flowing style.

Amy Trotter, *MUCC Executive Director*

CC:

Attorney General Dana Nessel

Senate Majority Leader Mike Shirkey

Senate Minority Leader Jim Ananich

Speaker of the House Lee Chatfield

House Minority Leader Christine Greig

Department of Natural Resources Director Daniel Eichinger

Department of Natural Resources Deputy Director Shannon Hanna

Energy and Environment Policy Advisory Kara Cook