

**BOIS BLANC TOWNSHIP
CHEBOYGAN RIVER PARCEL**

(Harbor Commission – Summary – March 5, 2022)

1. Introduction.

Bois Blanc Township (the “Township”) purchased the approximate 5.8 acre waterfront parcel on the east side of the Cheboygan River (the “River Parcel”) in March of 2019. The Township is presently working with UP Engineers & Architects for plans to develop the River Parcel as the transportation facility for Bois Blanc Island (the “Island”) on the mainland and is pursuing monetary grants for those improvements. Given that there are newcomers to the Island and it has been over three years since the Township purchased the River Parcel, the Township wanted to update the public via this document regarding the River Parcel and its eventual development as the transportation facility to the Island.

2. Why the Island and the Township need a transportation facility on the Mainland at the River Parcel.

Bois Blanc is an island. It is self-evident that the water route across the South Channel of Lake Huron is the lifeline for the Township.

Some of the advantages of the proposed River Parcel and transportation facilities over the existing limited small private Plaunt Transportation site located south of the drawbridge will include:

- (a) Much more space and water frontage.
- (b) Ample and extensive long and short-term parking areas.
- (c) Two different ferry wells in case one is being used, out of commission, etc.
- (d) The possibility of a significant number of long-term and short-term boat slips for private watercraft.
- (e) Much more area and room for staging vehicles, cars, freight, etc.
- (f) The ability to use the larger property for multiple purposes and uses.
- (g) Room for future facilities and expansion.

It is estimated that over 90% (and perhaps even over 95%) of the drawbridge openings and closings during the annual boating season are due to the Plaunt Transportation island ferry. Drastically cutting down on the number of drawbridge openings and closings would make Bois Blanc Island a “better neighbor” to most of the residents of the City of Cheboygan who have no

connection to the Island and are frequently inconvenienced by backed-up traffic waiting for the drawbridge to go up and down.

By using the anticipated new ferry landings at the River Parcel, the Plaunt Transportation ferry would likely reduce the one-way transportation time to or from the Island by about 3 or 4 minutes. It would also reduce the fuel needed for the ferry.

3. Characteristics of the River Parcel.

Attached hereto is a professional survey of the River Parcel. The River Parcel is approximately 5.8 acres in size with about 1,235 feet of river frontage. The River Parcel is currently vacant. The parcel is located on the east side of the Cheboygan River adjacent to the “turnaround basin” between the Coast Guard station to the northeast and the large fuel storage tank facility to the southwest.

The River Parcel has extensive frontage on Coast Guard Drive, a paved public road. Public water and sewer are located nearby. Electric and natural gas run along the public road frontage of the River Parcel.

Prior to purchasing the River Parcel in March of 2019, the Township did its “due diligence.” The Township had a wetlands report/delineation performed and also obtained an extensive prior earth borings and engineering report that had been done previously for the River Parcel. Those documents are available for public review at the Township Hall during normal business hours.

4. The necessity of planning for the future.

Every responsible and prudent municipality in Michigan plans for the future needs of its residents, property owners and visitors. Bois Blanc Township is no exception. Where the municipality is an island, future planning is even more essential. Township officials must not only deal with the transportation needs of the Island today, but must also anticipate those transportation needs 10, 20, 50 and even 100 years into the future. To not do so would be irresponsible.

The Island’s population is growing. Everyone knows that. Demand for ferry services is also increasing. The only primary means of transportation to and from the Island is through the South Channel of Lake Huron via the Plaunt Transportation vehicle ferry. That ferry likely transports over 95 percent of all Island passengers and virtually 100 percent of all vehicles, construction equipment and heavy freight. Transportation volume to and from the Island via airplane or private boat is infinitesimally small, except for limited passenger use.

The Township owns most of the municipal marina on the South Shore of the Island and controls, operates and regulates the entire marina. Prior to the purchase of the River Parcel in 2019, the Township did not own, control or operate any land or facilities on the mainland portion of the South Channel. That would potentially leave the Island and its transportation needs very vulnerable in the future. Although the Plaunt Transportation ferry and its small private staging property located south of the “Bascule” drawbridge for US-23 have served the Township and the Island well in the past over the years, a municipality that constitutes an island (such as Bois Blanc

Township) cannot reasonably rely solely upon a private enterprise's limited property for all essential public transportation needs. While the Township hopes that Plaunt Transportation ("Plaunt") will serve the Township and the Island perpetually or for many years into the future, the Township must plan for the potential worst case scenario. Should the Township not have a ferry landing and staging property on the river and if Plaunt discontinues service, goes out of business, loses its property south of the drawbridge or something catastrophic happens to the aging drawbridge (it is over 80 years old), vehicle ferry transportation would be cut off to the Island, at least temporarily. That cannot be allowed to happen.

Not every property owner or visitor to the Island realizes that the Plaunt property located south of the drawbridge is very limited in size. While Plaunt owns its buildings, ferry landing and limited gravel parking area immediately adjacent to the ferry landing, the City of Cheboygan owns, controls and regulates all of the paved parking area and marina immediately to the south. Plaunt has utilized that paved City parking area for years for parking, staging, trailers and other matters related to the Plaunt ferry service. However, recently, the City has developed plans for limiting non-City use of its marina and paid parking area and that could curtail the ability of Plaunt and its customers to continue to utilize that area as has occurred in the past. The City is pursuing purchasing more property just south of the paved parking area and has also now even banned overnight parking on the adjoining public streets.

5. The River Parcel as the premier property available for Bois Blanc Township located north of the Drawbridge.

Township officials have searched for an appropriate parcel on the Cheboygan River north of the drawbridge for several decades. Two prior Township attempts to purchase river land on the west side of the Cheboygan River were unsuccessful. Apart from the River Parcel, there are virtually no other properties on the river north of the drawbridge left that would be adequate or suitable for development as a ferry landing for the Township's future transportation needs (including having adequate river frontage, large parking areas, room for private boats slips, etc.). The vacant River Parcel (and only the River Parcel) meets all of those needs.

What if the Township had not purchased the River Parcel and the existing ferry landing site for Plaunt were to be cut off in the future for some reason? Of course, then, a good percentage of the lot owners and residents of and visitors to the Island would likely be severely critical of past Township officials for not pursuing the alternate river landing. Some could argue that to not pursue the River Parcel option would have been unreasonable and even irresponsible.

6. What is the status of the River Parcel and the Township's plans for the property at the current time?

The Bois Blanc Township Harbor Commission (the "Harbor Commission"), working in conjunction with the Bois Blanc Township Board, has retained UP Engineers & Architects to assist the Township not only with the development of the River Parcel transportation facilities, but also to apply for and obtain government monetary grants for such development. Although the Township is purchasing the River Parcel with Township funds, the Township has always been committed to developing the future transportation facilities for the River Parcel with grant monies.

As the Township's engineers develop a more definitive proposal and site plan for developing the River Parcel, it is likely that the Township Board and Harbor Commission will hold a joint public hearing on the Island to explain those matters to the public and to solicit public comment and input regarding the same.

7. The Drawbridge.

It is not clear for how long into the future the US-23 drawbridge on the river at State Street will be operated free of charge to river users on a 24-hour, 7-day basis. Should the operating policy for the drawbridge change in the future (so that it either operates on a limited basis, charges frequent users a fee or other policy change), that could adversely affect the frequency and cost of ferry service to and from the Island. Also, there are two other concerns about the drawbridge. First, if the drawbridge were to be down and inoperable for any significant period of time, it could prevent the existing Plaunt vehicle ferry from accessing Bois Blanc Island. It is not clear how, where and for how long a temporary makeshift ferry landing north of the drawbridge could be arranged on short notice. Second, the current vehicle ferry for the Island accounts for approximately 90% or more of the times that the drawbridge must be raised and lowered. Not only does that cause considerable wear and tear to the drawbridge and its mechanical mechanisms, but motorists along State Street are greatly inconvenienced due to the large number of added raisings of the drawbridge that occurs based on the current home location of the Island's vehicle ferry.

8. Public information.

The Township and the Harbor Commission have used transparent and very public means of publicizing not only their plans for the River Parcel, but also the purchase of the River Parcel. The River Parcel has been discussed extensively at public Township Board meetings, as well as Harbor Commission meetings, for over three years. A survey, wetlands delineation, engineering report and many other documents have been on file at the Township Hall for public review and inspection. The prior Harbor Commission recommended and agreed with the Township Board that the River Parcel should be purchased and developed. The current Harbor Commission has developed various recommendations for the Township Board regarding grants and the proposed development of the River Parcel. Few municipalities throughout Michigan have been as transparent and utilized such open public access to information as Bois Blanc Township has done regarding the River Parcel. The Township intends to do the same in the future.

9. Working with Plaunt Transportation.

None of what the Township has done or stated regarding the River Parcel should be construed as any criticism of Plaunt Transportation. Nor is the purchase by the Township and development of the River Parcel intended in any fashion to promote any competition by another ferry company with Plaunt. As long as Plaunt continues to meet customer demand and to provide exemplary transportation services as it has done in the past, it is unlikely that any new competition will appear. However, the Township must still plan for the future. By analogy, municipalities are rarely criticized for zoning more than one property as commercial or having an ordinance allowing more than one business to obtain a business license in the municipality as supposedly trying to promote new and unfair competition. Most people believe that businesses should be treated fairly

and even handedly, and whether or not business competition arises is a private matter. The same is true with regard to transportation businesses that are using public facilities. While the Township does not intend to promote any competition as to Plaunt so long as Island transportation demand is being met, the Township must nevertheless still plan for the future.

The Township has invited the Plaunt team to work with the Township in crafting the plans for the improvements to the River Parcel, including the anticipated two ferry wells. So far, the Plaunt team has provided valuable input into the plans.

10. Likely Improvements to the River Parcel.

The future facility on the River Parcel has been named “Bois Blanc River Harbor.”

Some of the likely improvements in the future for the River Parcel may include, but not necessarily be limited to, the following:

- (a) Short-term and long-term parking areas.
- (b) Sheet metal piling and riprap around various portions of the river frontage for easy river access and to prevent erosion and bank breakdown.
- (c) Two ferry wells.
- (d) Transient and long-term boat slips for private watercraft.
- (e) A small terminal building with restrooms.
- (f) Trails and park-like amenities.

The Township will also work cooperatively with the City of Cheboygan to develop the transportation facilities on the River Parcel.

11. The authority of the Township to purchase and develop the River Parcel.

Prior to the Township’s purchase of the River Parcel, a few people challenged whether the Township had the authority to purchase and develop the River Parcel. The Township has full legal authority to do so.

In addition, a few people also questioned whether the Township could utilize funds from its marina millage for the River Parcel. In 2016, the voters of the Township passed a revised millage with broader language that clearly allows the Township to use such funds to purchase and develop the River Parcel.

Periodically, a few critics of the River Parcel have asserted that the voters of the Township should have had a chance to approve or deny the River Parcel purchase via an election. However, Michigan law generally does not provide for such a procedure. In fact, no less of an authority than the Michigan Townships Association has indicated that townships generally cannot place advisory voter referendums on the ballot except in the few specific cases authorized by statute. There are

many situations whereby the governing body of a municipality does not need voter approval for a particular action or expenditure, and, in many cases, cannot lawfully seek such a voter referendum in any event.

Sometimes, local government decisions made to protect citizens' future needs are not always popular at the time the decisions are made, but are often vindicated over time. People should be reminded that the decision to build the new current marina on the Island in the 1960s to replace the Old Pines Dock was not universally popular with everyone at the time. Not infrequently, current critics of local government decisions become future proponents!

12. Conclusion.

It should be obvious to any neutral objective third-party observer that both the increase in demand for vehicle ferry services to and from the Island and new developments within the City of Cheboygan likely will not allow the small existing Plaunt site south of the drawbridge to be continued to be used for Island ferry services in the future and that the Township must provide an alternative public ferry staging and transportation facility north of the drawbridge. Prudent and reasonable municipal planning demands that Bois Blanc Township and the Island have their own transportation facility on the Cheboygan River. Township officials are working diligently toward that end.

