

## office of the prosecuting attorney

charlevoix county

scott t. beatty  
prosecuting attorney  
April 6, 1981

Mr. Charles Moll, Manager  
Boyne Mountain Lodge  
Boyne Falls, MI 49713

RE: Boyne River fishing rights

Dear Mr. Moll:

Some time ago you contacted my office to inquire as to my position relative to the application of the criminal trespass statute to fishermen portaging around the dam and fishing the impoundment located on Boyne USA property. I have reviewed numerous documents, statutes, and cases involving this matter.

After a thorough review it is my opinion that fishermen are not entitled to portage on your property around the dam to fish the impoundment. This opinion takes into account the Recreational Trespass law.

Therefore, by copy of this letter I am informing the appropriate police agencies that there is no right to trespass around the dam on your land.

Thank you for your patience and cooperation in this matter. I felt that it is a matter of sufficient public import to warrant a thorough and complete investigation. Should you have further questions in this matter do not hesitate to contact me.

Sincerely,

  
SCOTT T. BEATTY  
Prosecuting Attorney

xc: Sheriff Lasater  
James Genc  
Harvey Varnum