



Michigan Lake & Stream Associations

E-Newsletter for January 2011

MI Enacts Law Limiting Use of Phosphorus Act 299 Restricts Phosphorus Use on Turf Lawns

In the final days of a lame duck session, the Michigan legislature passed and Governor Granholm signed a bill limiting the application of phosphorus on turf lawns in Michigan. Michigan now joins Illinois, Minnesota, New York and Wisconsin in restricting the use of phosphate based turf lawn fertilizers. The passage of the legislation is considered a major milestone in the protection of Michigan's freshwater resources.

The legislation exempts the agricultural community and establishes conditional phosphorus application criteria for those maintaining golf courses.

Phosphorus is considered the limiting nutrient within aquatic ecosystems, that is, the growth of plants and algae are primarily limited by the availability of phosphorus. Overly abundant phosphorus levels contribute to excess aquatic plant growth and dangerous algal blooms in aquatic ecosystems.

See page 2 of this newsletter for more information regarding Mi Public Act 299.

MI Supreme Court Upholds Riparian Rights Court of Appeals Decision in Baum Case Overturned

In a stunning victory for Michigan's riparian property owners, the Michigan Supreme Court has reversed a Court of Appeals decision in the 2000 Baum Family Trust case that had threatened to overturn one hundred years of case law reaffirming waterfront access rights.

The case involved platted public road rights-of-way which run along the shores of lakes in Michigan where there was no intervening land between the lake and the road right-of-way when the plat was created.

Had the Mi Court of Appeals decision not been overturned by the Supreme Court, approximately six thousand affected riparian homeowners would have lost lake access rights.

The **Michigan Waterfront Alliance** and the **Higgins Lake Property Owners Association** filed an amicus brief in the case supporting riparian property owners.

The Michigan Supreme Court heard oral arguments in this case on October 5, 2010 and rendered it's decision on December 29th, 2010.

To read the entire MI Supreme Court decision in the 2000 Baum Family Trust case, [click here](#).

Michigan Inland Lakes Partnership

"Promoting collaboration to advance stewardship of Michigan's inland lakes."



To learn more about the Partnership, visit
www.michiganlakes.msue.msu.edu

Michigan's Lakes - Ours To Protect !



Cooperative Lakes Monitoring Program
Enrollment for the 2011 Season
Began **October 1st, 2010**

Contact Jean Roth, ML&SA Program Administrator
at 989-257-3715 or e-mail jroth@mlswa.org
or Enroll On-Line at

www.micorps.net



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The Core Language of Michigan Public Act 299

Section 8512b.

- (1) Beginning **January 1, 2012**, except as provided in subsection (2), (3), (4), or (5), a person shall not apply to turf a fertilizer labeled as containing the plant nutrient available phosphate (P₂O₅).
- (2) If a tissue, soil, or other test performed within the preceding 3 years by a laboratory experienced in conducting tests for phosphorus that adhere to recognized national standards indicates that the level of available phosphate (P₂O₅) in the soil is deficient to support healthy turf grass growth or establishment, a person may apply fertilizer to the turf at an application rate for available phosphate not exceeding that necessary to correct the deficiency.
- (3) If new turf is being established using seed or sod, it is the first growing season for the turf grass at the site, and a test described in subsection (2) has not been performed, a person may apply fertilizer to the turf at an application rate for available phosphate (P₂O₅) not exceeding the standard rate for new turf grass establishment, which shall be specified by the director after consultation with the Michigan state university extension.
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- (4) A person may apply a finished sewage sludge product, an organic manure, or a manipulated manure to turf at a rate of not more than 0.25 pounds of phosphorus per 1,000 square feet at any 1 time.
- (5) In addition, a person may apply fertilizer labeled as containing the plant nutrient available phosphate (P₂O₅) to a golf course if 1 or more of the following apply:
- (a) The golf course has been certified by an organization as a result of the golf course's staff having successfully completed a training program approved by the director. The director shall approve a training program if it is a continuing program, adequately addresses best management practices for use of turf fertilizer containing available phosphate, and requires trainees to demonstrate successful implementation of those best management practices.
- (b) If a tissue, soil, or other test performed within the preceding 3 years by a laboratory experienced in conducting tests for phosphorus that adhere to recognized national standards indicates that the level of available phosphate in the soil is deficient to support healthy golf course turf grass growth or establishment, the golf course may apply fertilizer at an application rate for available phosphate not exceeding that necessary to correct the deficiency.
- (c) If new turf is being established using seed or sod, it is the first growing season for the turf grass at the site, and a test described in subdivision (b) has not been performed, a golf course may apply fertilizer to the turf at an application rate for available phosphate (P₂O₅) not exceeding the rate necessary for new golf course turf grass establishment.
- (6) A person shall not apply fertilizer to turf less than 15 feet from any surface water, unless 1 or more of the following apply:
- (a) A continuous natural vegetative buffer at least 10 feet wide separates the turf from the surface water.
- (b) A spreader guard, deflector shield, or drop spreader is used when applying the fertilizer, and the fertilizer is not applied less than 3 feet from the surface water.

To download and read the entire Michigan Public Act 299, [click here](#).



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Save the Dates !

Michigan Lake and Stream Associations



50th Annual Conference

Boyne Mountain Resort
Boyne Falls, Michigan

Friday & Saturday
April 15th & 16th, 2011

2011 Annual Conference Highlights

Distinguished Speaker Presentations
50th Annual Banquet
Annual Recognition Awards Ceremony
Silent Auction
50th Anniversary Special Events
MiCorps CLMP Volunteer Monitor Training
Riparian Services Exhibitors
Non-Profit Exhibitors
Free Stewardship Literature

Distinguished Speaker Topics:

- Annual Riparian Law Update
- 2000 Baum Family Trust Riparian Legal Case Review
- Natural Shoreline Preservation and Restoration
- Great Lakes Ecosystem Status
- Working with Townships
- Aquatic Invasive Species Management
- Inland Lake Assessment and Classification
- Inland Lake Fisheries
- Lake Association Capacity Building

Save the dates !

Join us in Boyne Country as we celebrate 50 years of working to protect and preserve Michigan's inland waters. Your participation in our 50th Annual Conference will help make this a very special occasion !

The ML&SA 50th Annual Conference has been endorsed by the Michigan Inland Lakes Partnership



For more info visit our web site:

www.mlswa.org



MICHIGAN WATERFRONT ALLIANCE
P.O. Box 369
Fenton, Michigan 48430-0369



WE LOBBY TO PROTECT MICHIGAN'S LAKE AND STREAMS. THAT'S WHAT WE DO.

We are asking you to join or renew your membership to Michigan Waterfront Alliance (MWA). By doing so, you can help in a statewide effort to protect Michigan's lakes and streams. MWA lobbies state government on a wide variety of issues that affect our water resources, such as road-end access, funding for the state's permitting system, marina regulations, septic upgrade regulations, phosphorus fertilizers, and much more.

You know how it works. When the legislature is pushed to weaken water resource protection measures, they will do just that—unless we speak out to protect our lakes and streams. It is difficult for one person or one lake association to carry the burden of protecting 11,000 lakes. And though we'd like to think that right will always prevail, one lone voice is not enough to get the attention of the leaders in state government. That is why we must join together to make our collective voice heard in Lansing. These efforts were utilized in getting legislation passed, this year, to restrict use of phosphorus fertilizer on turf.

To get our message out, we retain professional lobbyists who are skilled and experienced in issue advocacy. While this expertise is very effective, it is also costly. As such, we ask you to join or renew your individual membership for \$50, Lake Association membership for \$100 or your Corporation membership for \$200 per year.

Please note the line "MWA Legal Assistance Fund" on the enclosed return envelope and form. After costly filing on two (2) Amicus Briefs (Appellate court and Supreme Court) and direct mail fundraising campaigns (to Lake Charlevoix residents), MWA incurred a total cost of over \$3000 on just this one case regarding the loss of riparian rights by court action. The MWA Board of Directors voted, last December, to create a MWA Legal Assistance Fund to provide the funds to support significant legal cases relevant to the mission of MWA. Funds will be disbursed in a manner consistent with MWA bylaws.

We need to build this Legal Assistance Fund as soon as possible. **Please be as generous as you can.**

Your past understanding and support has been appreciated and necessary in order to continue a professional campaign for water resource protection.

Please send back the application below plus give a copy to a like minded neighbor or friend.

Sincerely,
MWA Board of Directors

Michigan Waterfront Alliance Membership Application

(Jan '11-ML)

Annual Dues: Individual Membership - **\$50.00** Lake Associations - **\$100.00** Corporations - **\$200.00**

Please print:

Name _____ Date _____

Street _____

City _____ State _____ Zip _____

County _____ Phone _____

E-mail _____

Township _____ Lake / Stream Association _____

Make checks payable to: **Michigan Waterfront Alliance**

Send dues and contributions to:

Michigan Waterfront Alliance
PO Box 369
Fenton, MI 48430

Individual Member (\$50):	_____
Lake Association (\$100):	_____
Corporation (\$200):	_____
Legal Assistance Fund:	_____
Other donation:	_____



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FALL 2010
RIPARIAN (ri-pair-ee-en) adj. Relating to or living or located on the bank of a natural watercourse, such as a river, or of a lake or a tidewater.
DEVOTED TO THE MANAGEMENT AND WISE USE OF MICHIGAN'S LAKES AND STREAMS Published Quarterly

Vol. 45 No. 3

THE MICHIGAN RIPARIAN



Donald E. Winne
“Mr. Michigan Riparian”

"For over forty five years, **The Michigan Riparian Magazine** has served as our state's only quarterly publication dedicated to the unique issues and interests of those fortunate enough to reside on waterfront properties. The magazine's historical archive portrays a rich chronicle detailing the life and times of the people, politics, science and issues that have defined Michigan's storied waterfronts for nearly half a century."

To subscribe to this unique and affordable publication dedicated to Michigan's freshwater resources, visit

www.mi-riparian.org



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Michigan Natural Shoreline Partnership Offering Opportunities to Become Natural Shoreline Homeowner Workshop Instructors



The Michigan Natural Shoreline Partnership (MNSP) is hosting three Train-the-Trainer sessions around the state for natural resource professionals interested in conducting their own natural shoreline workshops for inland lakefront property owners.

If you would like to become part of a network of educators aligned with the MNSP, please consider attending one of these sessions, taught by MNSP educators from various partner organizations including the MDNRE.

Please note that these training events are designed to provide professional development for staff of non-profit organizations and institutions. A background in natural resources or biological sciences is recommended for those considering applying to become an MNSP natural shoreline workshop trainer.

If you haven't been doing natural shoreline education, rest assured it's a hot topic with lakefront property owners and one that could enhance your organization's education/outreach efforts. Here's why:

- § Property values on Michigan inland lakes have been estimated at \$200 billion with an approximate taxable value of \$113 billion – providing annual tax income to local government of about \$3.5 billion (Michigan Chapter North American Lake Management Society, 2006).
- § An Ohio State Sea Grant study showed a positive correlation between water clarity (how far you can see into the water) and lakefront property values.
- § U.S. EPA's recent (2009) National Lakes Survey concluded "Lakeshore habitat is rated poor in 36% of lakes. **Poor biological health is three times more likely in lakes with poor lakeshore habitat relative to lakes with good habitat.**"



To learn more about the Michigan Natural Shoreline Partnership or to register for an upcoming Train-the-Trainer course, please visit www.mishorelinepartnership.org. Upcoming Train-the-Trainer events will be held on:

March 29, 2011 in Marshall & April 1, 2011 in Gaylord

To learn about the MNSP Certified Natural Shoreline Professional contractor program or natural shoreline restoration in general, visit www.youtube.com/user/kelloggbiostrn to view an informative video highlighting a shoreline restoration project that was conducted by the MNSP earlier this year on Gull Lake.



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Michigan Waterfront Alliance

“A unified voice choosing to protect Michigan’s water resources for future generations.”



www.mwai.org



The mission of the Michigan Natural Shoreline Partnership is to promote natural shorelines through use of green landscaping technologies and bio-engineered erosion control for the protection of Michigan inland lakes. For more information, please visit:

www.mishorelinepartnership.org

Michigan Chapter, North American Lake Management Society

“The Michigan Chapter of the North American Lake Management Society (McNALMS) is a group of professionals, practitioners, and interested citizens, who care about the preservation and wise management of Michigan lakes.” For more info visit -

www.mcnalms.org
for more information

The most comprehensive publication ever written about lake associations !

Now Available from our Central Office

An ML&SA Publication

Contact Sharon at 989.831.5100
or e-mail swagner@mlswa.org



Michigan Lake Associations— The Nuts and Bolts

By Clifford H. Bloom



Order Your Copy Today !

Recommended Web Site of the Month

Our recommended web site for the month of January is illustrative of the significant contributions of Michigan’s Native American tribal governments in managing inland lake resources. The goal of the Little River Band of Ottawa Indians Inland Lake Fisheries Program “is designed to preserve, protect and enhance the Tribal Fishery while providing subsistence fishing opportunities to LRBOI membership.” For those interested in inland lake fisheries, this web site is complete with information regarding projects to assess and rehabilitate inland lake fisheries. Have a look at

www.lrboi-nsn.gov/nrd/inland.html