APRIL, 1978

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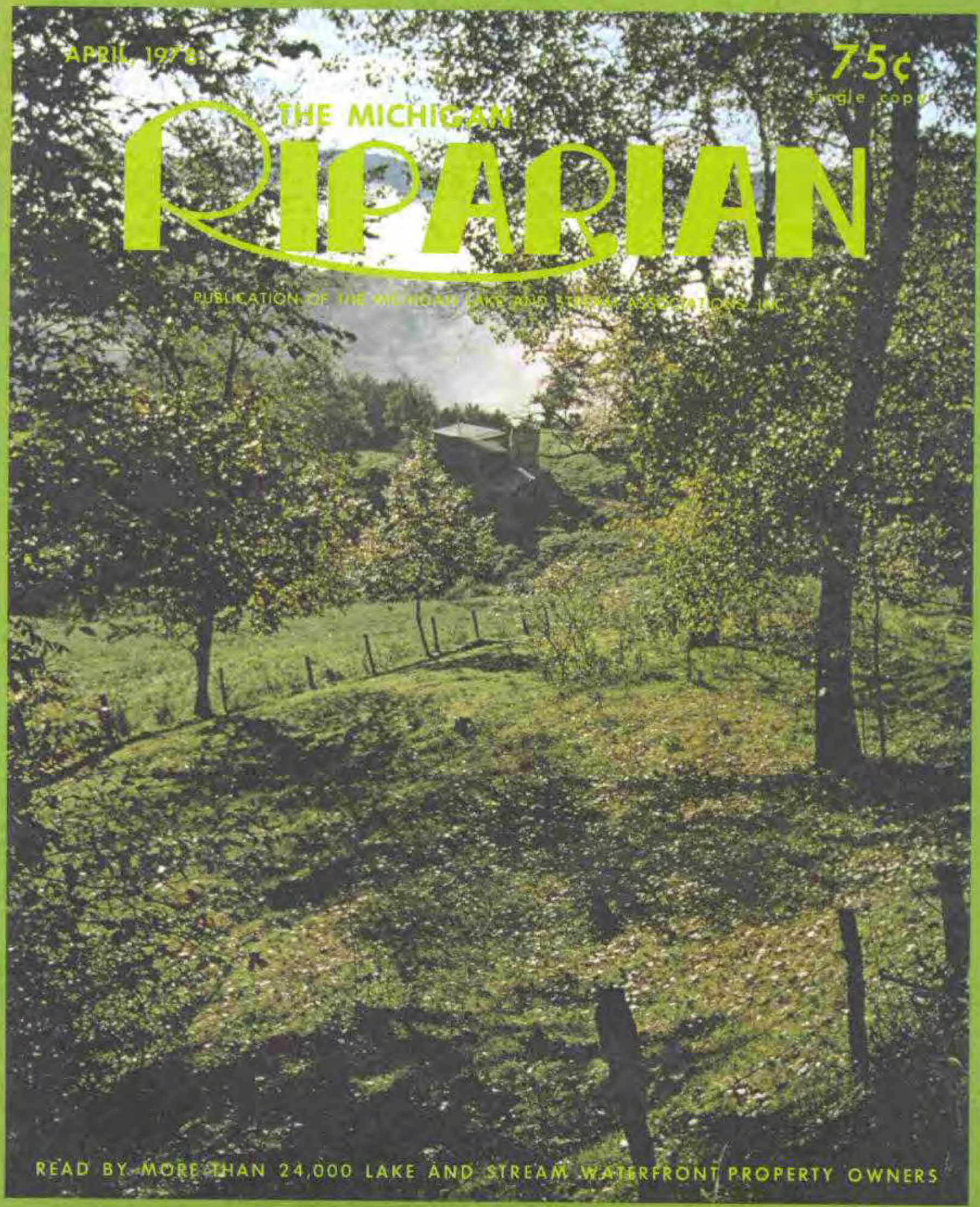
THE MICHIGAN RIPARIAN

PUBLICATION OF THE MICHIGAN LAKE AND STREAM ASSOCIATIONS, INC.



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What is the relative nutrient load?

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Is your lake or stream safe for swimming?

What is the bacteria count?

Is your lake experiencing more frequent algae blooms?

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If these things are happening to your lake, then you should do something about it. If you have an association, bring the matters which concern you before a meeting of the executive board. If your Board wishes to assess the quality of water in your lake or stream, you can obtain professional assistance by contacting the local Public Health Department, the Department of Natural Resources, the County Extension agent, or a private research organization specializing in water testing.

The Bureau of Water & Land Management of the Department of Natural Resources has sponsored the SELF-HELP PROGRAM which assists inland lake Associations in seasonal water quality testing. The program is "designed to keep track of long term (5-10 years) water quality changes in Michigan's lakes so that the degree and rate of eutrophication (aging) in our lakes can be determined. If you are not already in this program, it is suggested that you make inquiry to:

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LETTERS FROM READERS

January 31, 1978

Dear Mr. Winne:

I've just reviewed the January 1978 issue of The Michigan Riparian.

The format is good, subject material excellent and presentation outstanding.

You are keeping your members well informed.

With every best wish, I remain

Sincerely,
Joseph M. Snyder
State Senator

January 24, 1978

Dear Don:

The new format of "The Michigan Riparian" is outstanding. You have all done a superior job with your organization and your communications. I congratulate you all and wish you only the best.

Certainly the interests of our two organizations is pretty much to the same end ... proper use of our God-given resources so that we can enjoy them for generations to come and to do it at a modest profit for those tiny business folks that are so important to all of us.

Sincere best wishes from all your EMTA FRIENDS. We're glad our Wayne Clark is active in your organization and helps us to have a fine policy direction on the management of the land and water resources that provide the basis for our existence.

Sincere regards,
James H. Hall
Executive Vice President
Member, Michigan Travel Commission

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EDITORIAL

Donald Winne

Your editor wants The Michigan Riparian magazine to contribute maximally to the lake or stream property owner in Michigan. We have already reached some conclusions about what interests you and what you need and want to know. However, we would like to hear directly from the property owner and readers of the magazine as to what subjects, topics, and ideas you would like to have presented in it.

If you wish to submit an article for publication in the magazine, or know of information or articles that would be of interest to riparians, we encourage you to send it to the editor. Illustrations, such as diagrams and/or photographs, if available, should be sent with the article. They will be returned upon request.

We will attempt to present different points of view on controversial issues, and encourage the reader to chose what seems most reasonable, and most nearly fits the facts. On other issues, which we believe to be vital to the riparian property owner, we expect to take a hard line and firm stance. For example, there can be no compromise position on water quality. Every lake and stream of this state must be protected from pollution. Our goal must be zero sedimentation and zero waste input into our lakes and streams. To accomplish this within five years is not an unreasonable goal.

According to a report of the Soil Conservation Service of the United States Department of Agriculture, 40,000,000 tons of soil are lost from Michigan cropland annually. This is enough soil to build a road 40 feet wide and thirteen feet thick from Detroit to Sault Ste Marie. Some say the cost is too great for zero sedimentation, that we cannot afford it. Can we afford to destroy the ecosystem that mankind depends upon? Who would declare that we can trade dollars for death?

Voice of Michigan Lake & Stream Associations

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Definition of riparian: pertaining to the bank of a river....

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algae—Not As Bad As They Seem

Richard W. Pippen
Department of Biology
Western Michigan University

Algae-pond scum! Scourge, spoiler of lakes! The grass of many waters! All of these terms have been used to describe algae, those small thread-like or mat-like aquatic plants that grow on the bottom of boats and docks, cover rocks and other submerged objects, float unseen throughout the water and from time to time form large rotting mats on the surfaces of lakes. Most of us who live near lakes or spend time on them, have little use for algae and wish we could find a way to rid our lakes of these despoilers of clean waters.

I've exaggerated my point although I'm sure that many of us have felt this way at times. But algae are not all bad and in fact their presence is necessary for a productive, healthy lake. Let me share with you several things about algae that are interesting and important. Algae have been appropriately called "the grass of many waters" because one can easily compare algae in the water to grass in the pasture. Just as grasses feed cattle and other animals, one of the major roles of aquatic algae is as a basic food source for animals in the lake. Algae are the most important element and first stage in the so-called food chain. Algae contain the green pigments, chlorophyll, and thus, like grasses, garden flowers, and trees, are able to take energy from the sun and make food out of carbon dioxide and water. The food they make, sugars, starch (just like corn and potato starch), fats, proteins, and other materials which the algae themselves need are also the foods required by animals in the water. Small microscopic animals eat algae and in turn are eaten by larger animals which are eaten by still larger animals until they reach the stomachs of fish. Some fish, such as minnows, feed directly upon the algae, thus directly or indirectly the algae serve as a food source for fishes and eventually us!

Some algae, particularly from the oceans, provide food products used by people in soups and puddings, and still others have been considdered as the food of the future especially for space travel. Another major benefit of algae is the liberation of oxygen as they manufacture their own food. It has been estimated that on a worldwide basis over 50% of the oxygen in the atmosphere comes from the bodies of water (mostly oceans although lakes certainly contribute also). The source of this oxygen is the algae growing there.

Algae, on the other hand, can become a nuisance in our lakes when too much is present. Algae, like grass in the lawn and flowers in the gardens, need inorganic minerals for growth. If we want a luxurient lawn or garden we add copious amounts of fertilizer, especially nitrates and phosphates. If these same compounds get into the water then algae respond just as grass, growing better and faster. They grow in proportion to the availability of fertilizers and so it is possible to get more algae than is desirable or can be supported by the lake. When a "population explosion" occurs, the death rate of the plants increases and they become obnoxious.

This point must be further emphasized. The difference between beneficial and obnoxious properties of algae is a matter of degree. Algae do not pollute lakes or streams, people do, by adding inorganic and/or organic materials or by changing the temperature of the water (thermal pollution). The algae merely respond to the polluted conditions. In many instances their responses are obnoxious to us. Some types of algae are unable to cope with the polluted condition and they die off. This creates more "room" for those kinds that can tolerate polluted conditions. These more tolerant forms often build defenses against these conditions by producing toxins or secreting substances with unpleasant "fishy" odors. In overabundance these plants can cause diurnal fluctuations in the oxygen content of the water which may limit survival and growth of fish. When these situations occur the presence and abundance of some of these species may be used as pollution indicators.

Scientists who specialize in the study of algae tell us that there are at least 20,000 different kinds of algae sharing our lakes, streams, and oceans. Some forms have plant bodies that are thread-like, membrane-like or ball shaped and large enough to see with the naked eye but these are a minority. Most algae are microscopic, only visible with a microscope, and may consist of only a single cell or a colony of cells clumped together. Algae are separated into groups on the basis of their color which is a reflection of the pigments they possess. Thus some of the more common groups of algae are: Blue-green Algae, Green Algae, Golden Algae, Brown Algae, and Red Algae. With very few exceptions from Brown and Red Algae are limited to salt water and thus usually found only in oceans or estuaries along the coast. Some of these "seaweeds" become quite large and complex, often as much as 200 feet long. We won't dwell upon these groups further except to note that several of these marine algae are economically important because of products extracted from them. Algin and agar are gelatins extracted from these algae and used commercially to thicken soups, keep chocolate suspended in chocolate milk, and the spices and oil suspended in french dressing and make ice cream smoother. They are also used in paints and polishes, cosmetics and even laxatives. Agar is also used as a gelatin-like substance to grow bacteria and fungi for scientific study. Some seaweeds have been an important source of iodine.

Of importance to us in Michigan's inland lakes are the

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Blue-green, Green and Golden Algae. These deserve more detailed discussion here.

Blue-Green Algae

These plants are so named because the combination of pigments they contain often causes them to appear a deep bluish-green color. They actually vary in appearance from almost black to pale green. To the touch these plants feel very slimy because of a thick gelatinous sheath which covers the plant body and gives them considerable protection from drying out. In organization these algae vary from a single cell to long thread-like filaments (Fig. 1A, B). They may be either free-floating in the water or attached to rocks, bottom particles, other plants, boats, docks, or other things. Some members of this group are very tolerant to organic pollution and will thrive and dominate bodies of water that are polluted. Some produce oils or other compounds that are foul smelling (like a barnyard) and produce a fishy taste. Some species produce substances that are toxic to animals and people and in sufficient quantities (such as in farm ponds and livestock watering tanks) may be deadly; others may produce a rash on skin much like swimmer's itch. Some species can tolerate extreme temperature and grow at the openings of hot springs and geysers in places like Yellowstone National Park where the water may be as warm as 178°F.

Due to the thick gelatinous cover and special structures that can withstand adverse conditions, these algae are extremely hardy and have been known to withstand drying for as long as 80 years and then begin growing again when conditions are right. On the other hand, they are found in almost all of our lakes and are food and oxygen providers. The toxic attributes usually occur when the populations are exceedingly high and the conditions are unfavorable.

Green Algae

These algae are probably the most familiar to people. They are a rich grass-green color and vary from microscopic single cells to large masses of thread-like filaments (Fig. 1C, D). They range from free-floating to furry carpets attached to structures, bottom particles, and other plants. Members of this group are very important in the food chain mentioned earlier and provide the basic unit for maintaining aquatic life. Green Algae produce starch, exactly as found in corn, beans, and potatoes. Essentially none of these algae are toxic and they are a nuisance only when they occasionally form large floating mats in late summer.

Two other algae, very closely related and similar to Green Algae, are Chara and Nitella often called stone-worts. These are very common in our lakes (see The Michigan Riparian, January 1977) forming upright stalks with whorls of branches arising at regular intervals. They are able to extract calcium from water and encrust themselves becoming hard and brittle to touch and producing a "fishy" odor.

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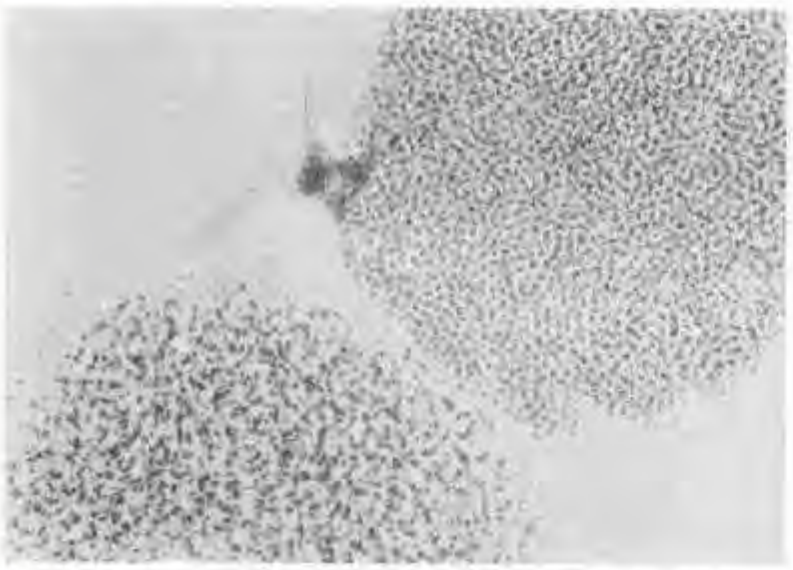

Fig. 1 A Blue-Green Algae. The large irregular-shaped colonies of many cells are **Microcystis.** Also shown are **Fragillaria**, a diatom and **Cerastium** a Dinoflagellate.

Fig. 1 B Blue-Green Algae. **Anabaena** appears like a tangled string of beads.

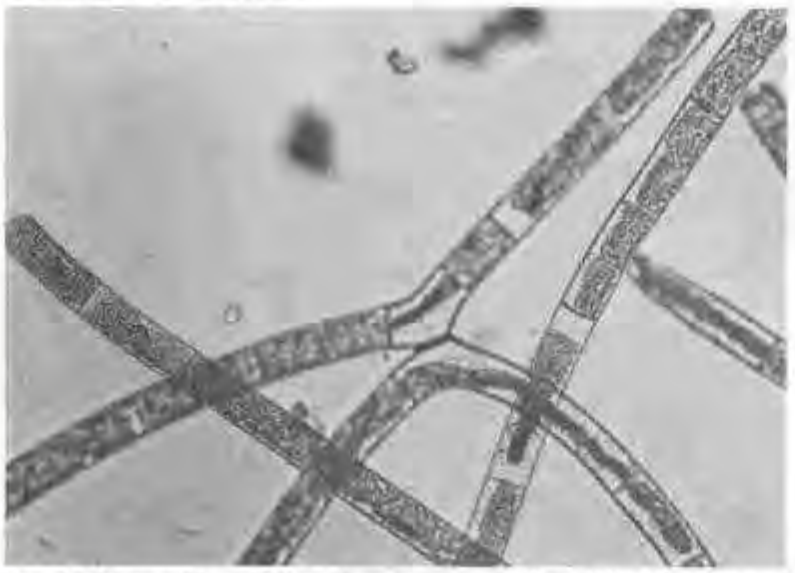

Fig. 1 C Green Algae. **Sirogonium** appears as thread-like filaments of cells attached end to end.

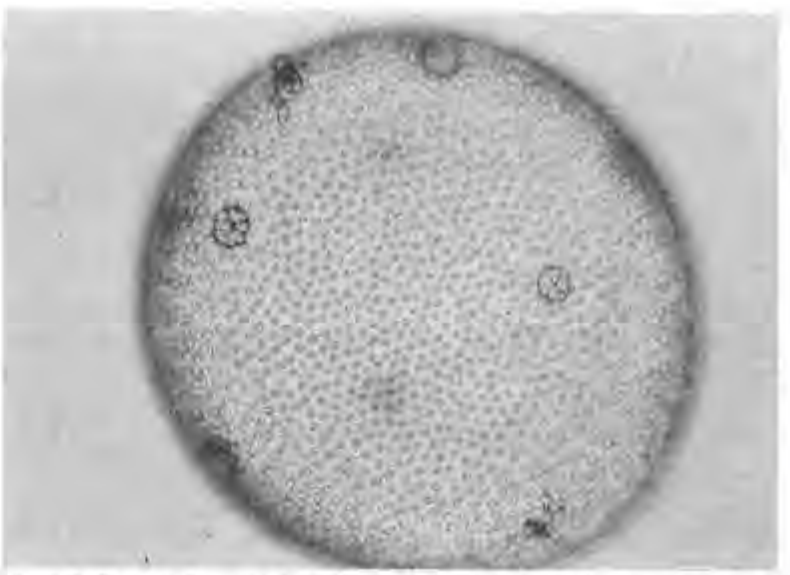

Fig. 1 D Green Algae. **Volvox** forms a large colony of as many as one thousand cells forming a hollow ball that rolls along in the water.

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Chara, especially, is common in our hardwater lakes in Michigan and grows on the bottom like rooted plants often forming dense beds but rarely do the plants reach up to the surface. These beds serve as nurseries for small fishes and *Chara* may actually outcompete other kinds of plants for nutrients, thereby limiting the growth of less desirable forms. Thus while many people would consider *Chara* and *Nitella* as nuisances they are really beneficial.

Golden Algae

The Golden Algae, including the diatoms, have a pigment combination that gives them a golden or brownish color. Most of these are microscopic in size and many are only single cells (Fig. 1 E, F, G). They often grow in masses attached to a surface (such as a boat bottom) and will make it appear a dull rusty-brown color. One group of Golden Algae, the diatoms (Fig 1 F, G) is of considerable significance and will be the subject of most of my comments here. These single-celled algae are exceedingly abundant in water, both locally and world-wide. They are the organisms largely responsible for the oxygen produced in the oceans. Structurally they are unusual in that the walls of the cells overlap like pill boxes and contain large amounts of silicon. The cells are, therefore, essentially little glass boxes. These do not biodegrade when the cells die and consequently make up large amounts of bottom sediments. In Oceans much of the bottom is made up of diatom shells and in part of the world, such as California, land areas once covered by oceans are composed almost entirely of diatom shells. This is called diatomaceous earth and has found importance economically as an abrasive in silver polish and tooth powder, as furnace insulation and plaster and as filters for scientific use. These like other algae are important in both fresh and salt water systems as food and an oxygen sources and are not normally problem algae.

In subsequent articles, I will explore the role of algae as oxgenators, indicators of pollution and poison producers.

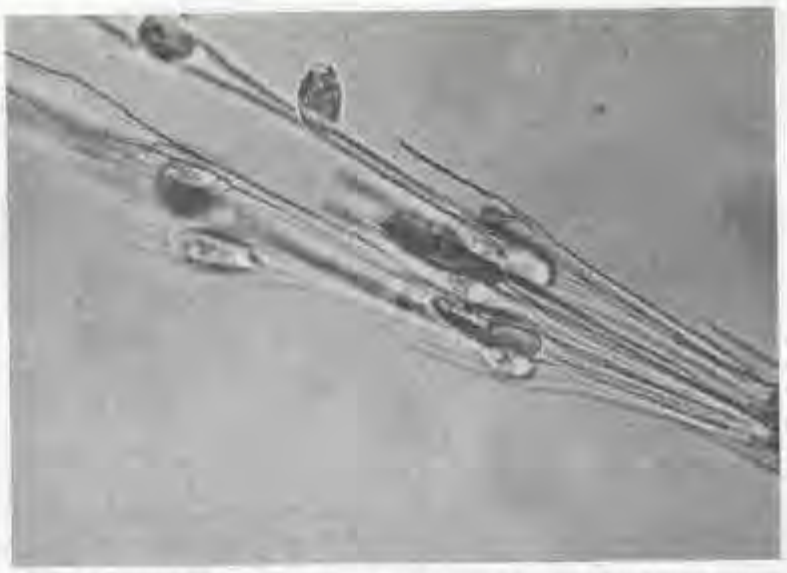

Fig. 1 E Golden Algae. **Dinobryon** has individual cells in long narrow goblets attached together.

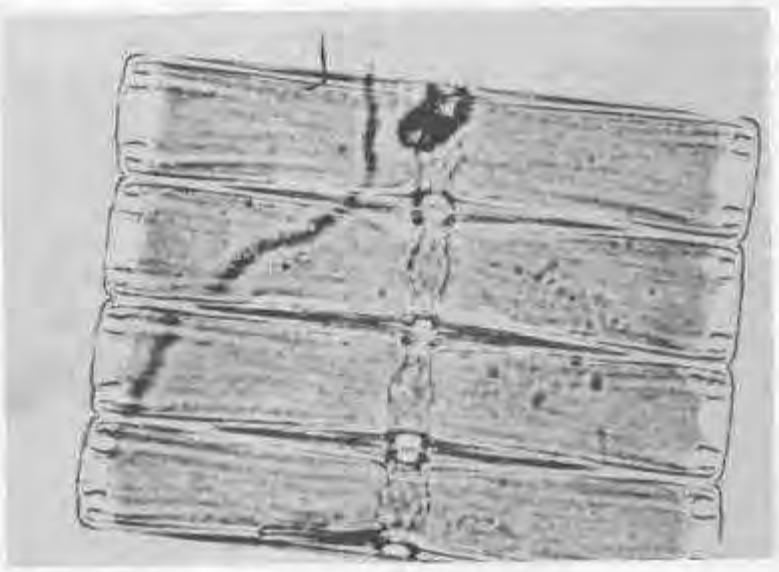

Fig. 1F

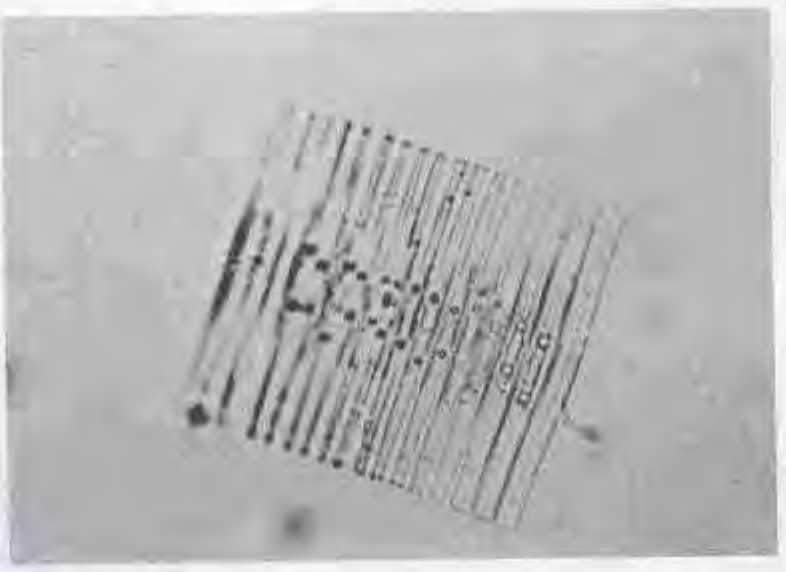

Fig. 1 F, G Golden Algae. **Fragillaria** are diatoms that comes in several shapes but usually the cells are attached to each other side by side. These are two species that differ from each other in the shape of the individual cells.

ABOUT THE AUTHOR:
Richard W. Pippen is Chairman of the Department of Biology at Western Michigan University, Kalamazoo, Michigan.

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INLAND LAKES

SEA WALLS FOR I

By Dr. Clifford R. Hum

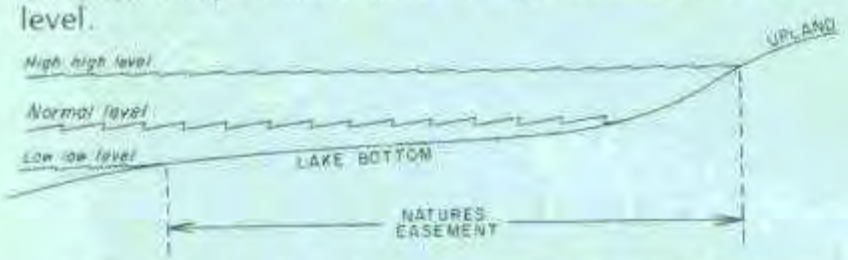
The owners of many lots of Michigan inland lakes have installed sea walls or retaining walls along the water's edge of their property. By definition a sea wall is an engineering term for a wall built, on the shore of a lake, of concrete, stone or other material to protect lakeshore cottages and other property from damage by storm waves, ice shove, and high water stages. This wall is built even with, or above, the shoreland level to be protected.

This definition would appear satisfactory except for those cases such as found on Hubbard Lake (Alcona County) where sea walls are being used to prevent water and ice shove erosion of certain tracts of land. Parts of the lakeshore are subject to accelerated erosion.

The decision to build or not build a sea wall rests with individual riparian lot owners or groups of lot owners, but the interests of other riparian owners and regulatory statutes can and do restrain or sometimes prevent actual construction.

Ecological Factors

A normal natural inland lake fluctuates in level and, thereby, occupies more area at high level than at low level.



The process of a declining water level has been referred to as purgatorial reliction, a proposed term for lake bed that has been recently exposed by recession of a shoreline and whose natural fate is uncertain, that is whether it is destined to remain *land* - or revert to a water surface. Instances may occur where the recession is more prolonged than that produced by the normal fluctuations in lake levels; the riparian owner may assume that the recession is permanent (or may be opportunistic) and proceed with structures or "improvements" on the exposed lake bed. Subsequently, however, former high lake levels may return and produce distressing complications, The riparian owner can exercise an *exclusive* easement over the use of this land, but he cannot legally modify it in any way that would interfere with the eventual return of the water.

Ecologically, the uncovered lake bottom or relicted land is of extreme value to vegetation and animal life because of its productivity of food, cover, and breeding grounds.

If sea walls are constructed at the low level period, on the temporary water line, the lake will not be able to occupy its natural basin as water level recovers.

Legal Factors

Under a strict interpretation of the Riparian Doctrine, it would appear possible to challenge any cultural act or installation which would either decrease or increase the natural area of an inland lake. Any riparian on the lake could easily seek injunctive relief from the court holding jurisdiction over the inland lake. If this line of thought is projected to consider all contiguous wetlands (marsh and swamp) as part of the natural lake basin, legal protection is quite complete.

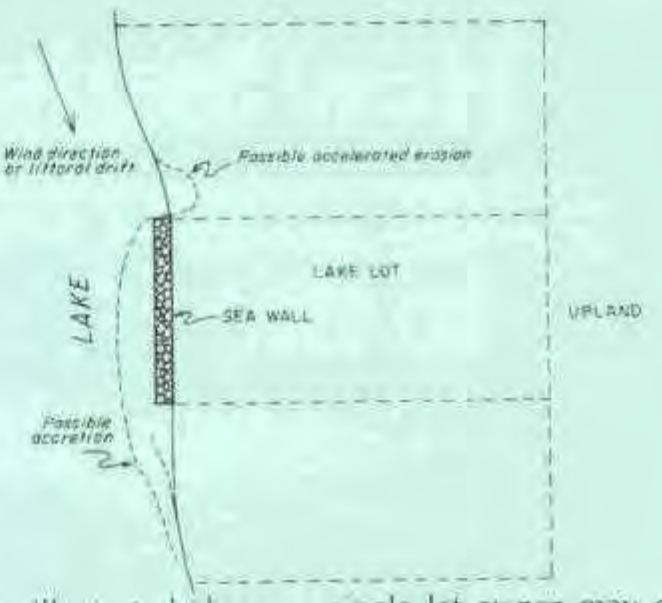
Certain lakes that have established legal levels would be exceptions, and more freedom would be available to construct sea walls because the water line would be of a permanent identifiable nature. Permits for construction from the state regulatory agency are required, and the interests of other riparians should be considered.

The Submerged Lands Management Section of the Natural Resources Department should be contacted prior to planning or construction of a sea wall, for there are existing statutes covering these matters.

Two other categories of lakes also appear to rest in the twilight zone relevant to sea walls. A developer of an artificial lake may desire to build sea walls prior to flooding. After 51% of the frontage is sold, control of the artificial lake usually passes to the lake association, that could then exercise a degree of control. A lake located within a city is subject to a high degree of control by city government.

Design

Far too frequently each individual lot owner selects his own design. Due to economic restraints, the structure may fail with resulting aesthetic damage to the lakeshore. There should be suggested standards to control the location and construction materials to avoid a jagged patch quilt appearance of several adjacent sea walls. Continuing maintenance is necessary as well as a need for properly financing abandonment in case of failure.



As illustrated above, a single lot owner may create erosion and deposition problems for his neighbors and could become liable for damage.

(Continued On Page 11)

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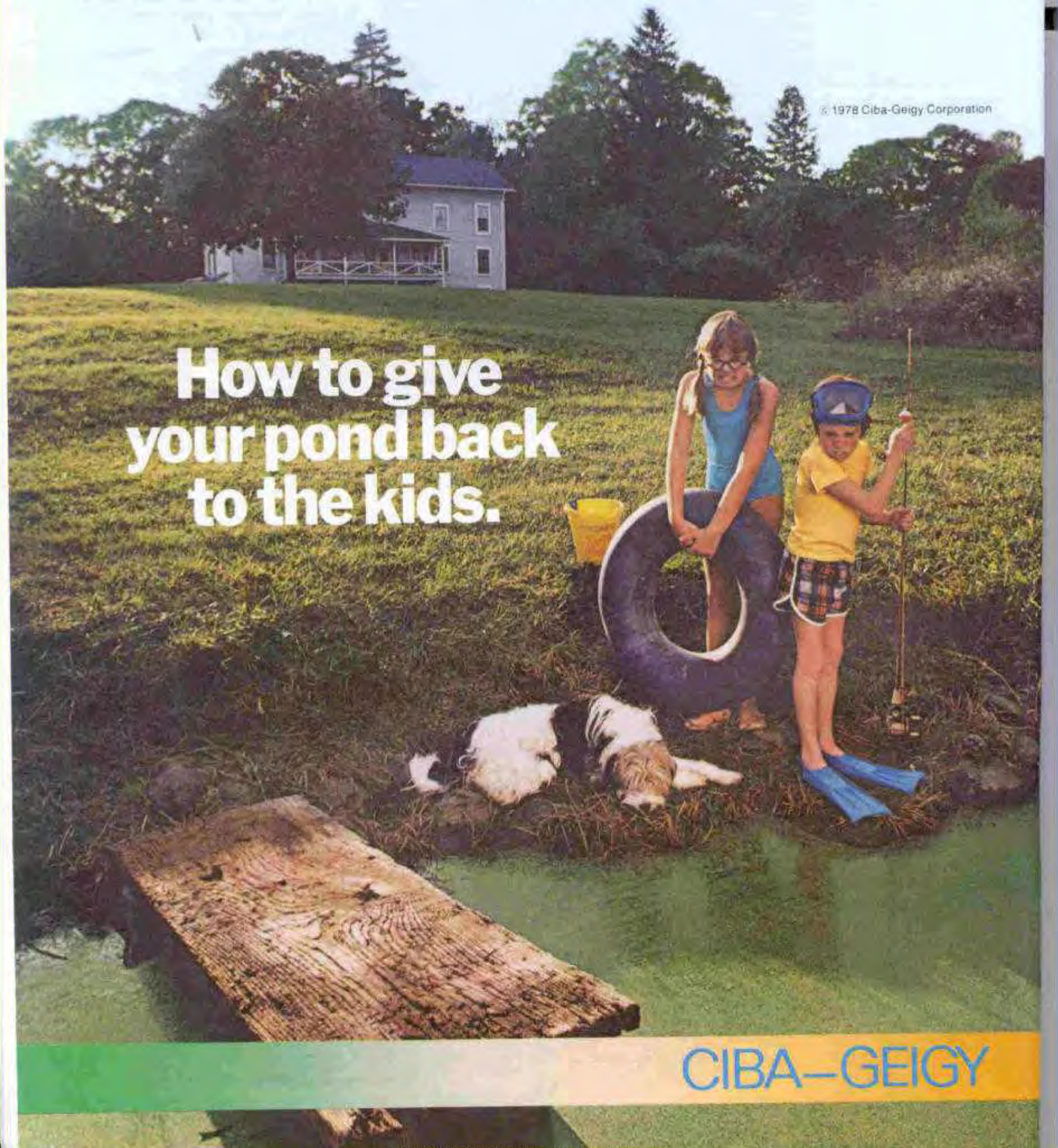

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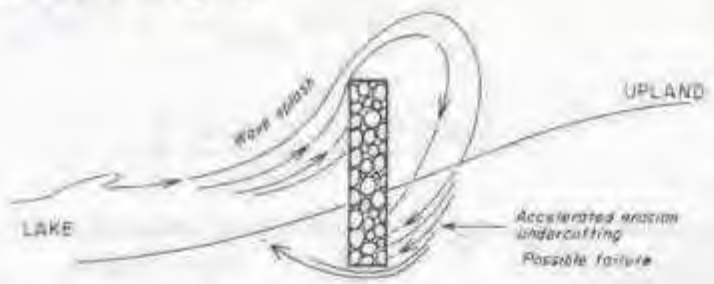

Sea walls should be designed in accordance with rigid marine standards in order to properly withstand wave and ice shove damage. Foundations should be deep, protective inland wings at ends and be constructed of heavy stone or concrete.

There are illustrations of well-designed sea walls in Michigan, constructed of large field stone which could be considered as aesthetic enhancements to the lakeshore.

Aesthetics

A wilderness purist would find it easy or even required to challenge any visible engineering structure on a lake. Obviously, a pristine wilderness lake would suffer more aesthetic damage from an imposing structure than a developed lake with 30% of its shoreline occupied by sea walls.

Careful architectural design, coordinated planning by groups of riparians, and solid engineering design can do much to decrease negative environmental and aesthetic impact, avoid conflict with other riparians, effectively control wave and ice shove damage and to conform with existing statutes or regulations.

The lake association should become actively involved with the design and construction of the first sea wall proposal, so that the mutual consent of all riparians can be involved in the development of lake policy and guidelines. In so far as the lake basin is concerned, a private riparian lot owner should consider the rights, title, and interest of all other riparian owners on the lake prior to constructing a sea wall.

ABOUT THE AUTHOR:

Dr. Clifford R. Humphrys holds the position of Professor at Michigan State University, Department of Resource Development. He has had extensive experience in the conservation and resource development fields begining as a college student at Michigan State University.

He is the author of numerous papers and publications in the field of water conservation and environmental quality management.

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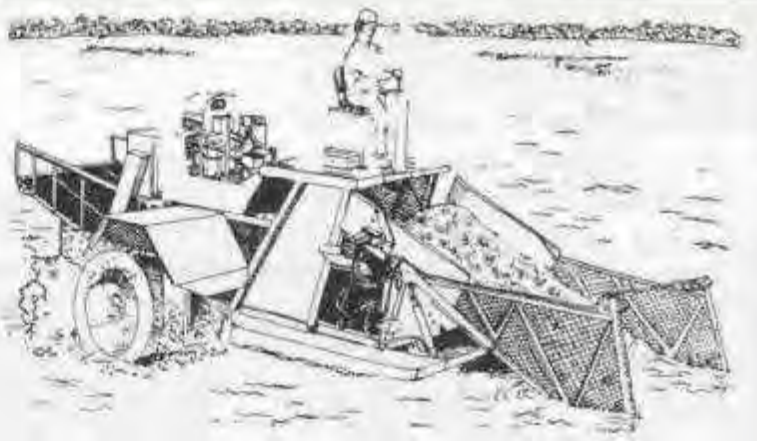

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ML&SA NEWS

By Cecile Harbour

ML&SA

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ML&SA WELCOMES NEW MEMBER

The Norland Club, Inc.
Keweenaw County
Dr. Walter W. Hassig, President

Long Ryerson Lake Association
Newaygo County
Fred W. Patterson, President

Munro Lake Association
Cheboygan County
Herbert J. Greaves, President

LAKE FENTON PROPERTY OWNERS ASSOCIATION, Region V

Problems at the public access site have been alleviated by the **cooperation** of the association, the Township and the DNR. The number of parking spaces at the site has been reduced, the green area is to be protected, a chain link fence of the height desired by adjacent property owners is to be installed by the DNR and a gate that can be locked is to be put at the entrance. Local police are to check the gate at closing time, 11:00 p.m., to ticket offenders. The DNR Conservation Officers will be available to enforce the access site rules and regulations.

ELK-SKEGEMOG LAKES ASSOCIATION, Region II

Taken from the January 1978 Newsletter: "We are riparian owners, but we should also consider ourselves as "riparian custodians" of our waters and make personal efforts to keep Elk-Skegemog (our) Lakes clean".

AUSTIN LAKE IMPROVEMENT ASSOCIATION, Region IV

The Lake Board has been formed and is functioning for the Restoration Program. To keep property owners informed of progress, a Citizen's Communication Committee was elected to monitor the Lake Board meetings and to report to the members and other property owners. The association received the report of the Reclamation Study conducted last summer (see Fall 1977 Riparian) at a special meeting in February.

PINE LAKE PROPERTY OWNERS ASSOCIATION, Region V.

Association objectives drawn up for 1978 include: 1) To emphasize openness within the Board and to encourage non-Board member participation; 2) To monitor new property and drain developments and to take appropriate action when necessary; 3) To maintain effort on the collection of dues to stabilize the reduced Water Quality Assessments; 4) To continue environmental efforts, including ecology study, weed harvesting program and aeration project, adding lake level readings and observations to ongoing programs; 5) To evaluate the success of the Water Quality programs by initiating a thorough analysis of the collected data.

LAKE OGEMAW SUMMER RESORT ASSOCIATION, Region III

The 1977 Water Quality and Lake Management Report provided guidelines to follow in order to defeat the weed and algae problems. The report recommended the use of a weed harvester, but chemical treatment of the weeds for 1978 will be discussed by the association.

DONNELL LAKE WELFARE AND IMPROVEMENT ASSOCIATION, Region IV

Members are advised to not throw leaves and grass clippings into the lake, not to burn leaves and other debris near the lake, to reduce the frequency of lawn fertilizing and to harvest the lake weeds instead of using chemicals.

EMERALD LAKES VILLAGE HOMEOWNERS ASSOCIATION, Region V.

A monthly newsletter keeps the members informed of the association sponsored activities. The "Greeters" that represent different areas of the lake, welcome newcomers so that they immediately become a part of the community.

EAGLE LAKE BLOOMINGDALE ASSOCIATION, Region IV

1978 Riparian Resolutions are:

1. I promise to keep my leaf-burning ashes and smoke away from the lake.

(Continued On Page 15)

Gull Lake Stalemate?

By *Donald Winne*

Early last June Gull lake property owners learned that the Department of Natural Resources wanted to acquire shoreline property on Gull lake and to develop it for access to the lake by the public. Concerned property owners united their efforts in the Gull Lake Quality Organization to oppose adding additional access to the lake by the public. The members are now fighting the bid by the DNR to develop a 1.75 acre site adjoining the Prairieville Township Park at the north shore of the lake which they purchased at a cost of $1,329 per front foot. Early in December of 1977, the Gull Lake Quality Organization obtained an injunction ordering the Natural Resources Commission from entering into a contract to purchase the "Couch" property site. Trial was held on December 16, 1977 and evidence and testimony was presented by the DNR and the Gull Lake Organization. After listening to the testimony, the Judge of the Barry County Circuit Court, Mr. Richard Robinson, gave the state permission to sign a purchase agreement for the property. He also issued a new restraining order barring development of the site in anticipation of further opposition by the Gull Lake Quality Organization. The arguments and points of view of the antagonists are summarized as follows:

DNR ARGUMENTS:

1. Gull lake is a scenic lake and near large population centers. More access sites are needed for these people.
2. It is a deep cold lake providing habitat for a wide variety of fish to interest the angler.
3. The larger site would be more pleasing aesthetically.
4. Adding 57 more parking spaces in the "Couch" site would mean the addition of one boat per 70 acres of lake for the public over what it was in 1975.
5. Gull lake is under utilized by boaters from the public sector.
6. Increased boating activity will cause no degradation of the lake.
7. The access site would be used primarily by fishermen in small boats.

GULL LAKE ARGUMENTS:

1. Gull lake already has sufficient access sites for the public to get to the lake. These sites are so infrequently used to capacity that additional sites are not needed. Prairieville Park was used to capacity in 1977 on May 30, June 1, July 4, and September 5.
2. Limits for use of Gull Lake should be determined, not by its maximum physical capacity, but on the basis of user satisfaction.
3. There are now too many boaters on Gull Lake. A count on June 25, 1977 showed over 600 boats.
4. Additional use of the lake will further degrade the water quality.
5. Greater use of the lake by boaters, especially high speed boats, will make Gull lake less safe for swimmers, fishermen, and other small boats.
6. Gull lake has *three* public access sites, *five* commercial marinas, and over 250 rental boat slips, moorings, and rental boats. These more than meet the need of the public who want to use the lake.
7. The price paid by the DNR for the "Couch" property is exhorbitant and inflationary.

Early in the proceedings in the trial, Judge Robinson voided argument 7 of the Lake Organization when he ruled that the court has no right to second-guess the state on the purchase price for property. Since purchase prices of properties determines tax assessments, riparians will experience tax increases as prices paid per front foot of shoreline property increase.

Judge Robinson asked the assistant attorney general to file a brief explaining why the state feels that an environmental impact study is not necessary. The impact study was requested by the attorney for the Gull lake association. The DNR has since indicated that they would go ahead with an impact study.

The game of chess is complicated at best when two play the game. It gets more complicated when the board is a 2,000 acre lake, and three-players – riparians, the state, and the courts, – move the pieces in whatever direction meets their need or bias. Where does justice lie? You be the judge.

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FYI...FOR YOUR INFORMATION

Fill on Bottomland

In January 1975, Montmorency County Circuit Court Judge Philip J. Glennie issued a judgment requiring removal of the fill and restoration of the bottomlands of Spectacle Chain of Lakes in Montmorency County. Harold Aarons had placed fill in 1969, on bottomlands owned in part by the state and in part by private individuals, causing a trespass on state and private lands. As of October 1977, Mr. Aarons had completed removal and restoration to the satisfaction of the DNR.

The fill placed on the bottomlands in 1969 totaled approximately 1,200 cubic yards. There was approximately 800 to 900 feet of fill across the bottomlands with a width of 10 to 12 feet and a height of approximately 3 feet.

The successful legal action in this case was taken by the DNR's Submerged Lands Management Section in cooperation with the Attorney General's Lands, Lakes and Leases Division, who jointly administer the Great Lakes Submerged Lands Act, and the Inland Lakes and Streams Act. The decision of the Circuit Court was upheld by the Appeals Court, and Aaron's subsequent request to appeal to the Supreme Court was denied.

The DNR is to be complimented for taking this action to preserve and protect our too rapidly diminishing wetlands of the state.

Algae Used To Grow Better Tomatoes

LORRIE VIOLA

An Athens High School senior, Lorrie Viola reports growing larger and better quality tomatoes using algae taken from Emerald lake compared to plants fertilized with chemicals. Lorrie, under the direction of her biology teacher, Mrs. Berthelson, fertilized three plants with algae, and three with a powdered chemical fertilizer. The chemically fertilized plants grew very tall, and produced a large amount of small size tomatoes. The plants fertilized with algae grew very bushy with a smaller quantity of tomatoes, but of larger size and better quality.

Soil tests showed the algae soil more potent in minerals than the chemical fertilized soil. The potassium and nitrogen concentrations were greater, and the phosphorous concentration was almost double -- a 25 to 15 ratio.

This experiment seems to show that the soil fertilized with algae was considerably more suitable for producing better quality tomatoes. (This project was initiated at the request of Emerald Lakes Village Homeowners Association in cooperation with the biology department of Athens High School, Troy, Michigan.)

Cleaner Waters In The Red Cedar River

The Michigan Outdoor Writers Association's Clean Waters Award was presented during the first week of February to East Lansing for making major strides in improving the Red Cedar River. The award is given annually to the person, organization or firm making an outstanding contribution to help solve Michigan's water pollution problems.

In honoring East Lansing, MOWA praised the community's officials for taking decisive action and spending more than $20 million to end decades-long pollution that contaminated the Red Cedar at its wastewater treatment plant.

The cleanup program involved upgrading treatment of wastewater

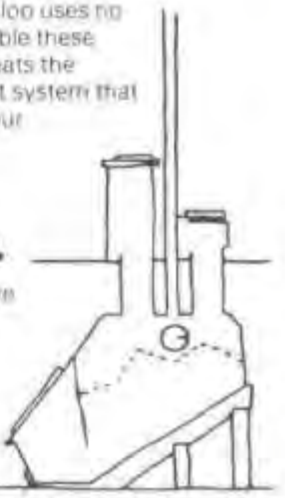
(Continued On Page 24)

There are two ways to make organic fertilizer from toilet wastes.

One way is slow. It's done with a Bio-loo, a system scaled for vacation homes that is inexpensive to buy, and easy to use. The Bio-loo uses no water, which is sensible these days, and it safely treats the wastes in a compact system that plugs right into your bathroom.

The other way is slower.

The Clivus Multrum (that's the one you have probably heard about) is big, that is, big enough to serve a normal sized family, year-round. It also uses no water and converts toilet wastes and garbage into safe organic fertilizer by composting action without external energy.



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MLSA NEWS

(Continued From Page 12)

2. I promise to see that my septic tank will not drain bacteria into the lake or the drinking water source.

3. I promise not to throw litter into the water nor to create any eyesore along the roads with my trash.

4. I promise to carry life jackets for each passenger in my boat, to affix the boat registration record in the boat and the numbers on the bow and to show running lights after dark.

5. I promise to carry watchers when I tow skiers and to display courtesy and concern for my fellow boaters.

INDIANWOOD LAKE ASSOCIATION, Region V

The membership has expressed approval of the purchase of a large weed harvester in 1979. To discuss the plans and possibilities for this purchase, the association has planned a series of "Lake Management Parties" to show a short film on weed harvesting and to answer questions. For 1978 the harvesting will be contracted.

LAKE ISABELLA PROPERTY OWNERS ASSOCIATION, Region III

The association's Activity Schedule for 1978 includes snowmobile safaries, skating parties, moonlight tours, canoe trips, cross-country skiing (free instruction was offered every Saturday during the season), ice fishing derbies, golf events, horseback riding, tennis tournaments and hunting activities. This is a recreational area.

ALGONQUIN LAKE COMMUNITY ASSOCIATION, Region IV.

The Dam Renovation Project is at stages 3 and 5 of the 9-step program: 1) plans and specifications; 2) owner approval; 3) DNR permit; 4) possible Army Corps of Engineers permit; 5) advertising for bids; 6) review and tabulation of bids; 7) owner review and the award of contracts; 8) contractor obtains bonds and insurance; and 9) construction. All costs for this project have been raised by voluntary contributions.

PORTAGE-BASE LAKES ASSOCIATION, Region V.

The association continues it efforts to limit the time used for sailboating by the Huron Portage Yacht Club (see Summer 1977 Riparian). A public access site in a residential area was vandalized last summer, so in cooperation with local and state authorities, the association is attempting to remedy a repetition of the problem. Because spawning habitat in the area has been lost due to housing development, the DNR is planning to plant fingerling tiger muskies this year.

LAKEVILLE LAKE PROPERTY OWNERS ASSOCIATION, Region V.

Dr. Clifford Humphrys made the following observations at the association's 1977 annual meeting:

1. It is important to have the township government support the association.

2. It would be advisable to purchase a weed harvester, but to make sure that there is a qualified operator. Offer rental service to neighboring lakes.

3. Establish a Development Detective Committee to investigate the digging up of new soil.

4. Herbicide usage may lead to after-effects.

5. Ask the township to contribute to the cost of weed removal and ask the DNR to participate in the project.

6. For future consideration – ring sewers, decrease in use of lawn fertilizing, increase the association membership, litter control, and continue monitoring the lake access.

THIS ASSOCIATION DID IT!

With a membership of only 104, the VanNorman Lake Improvement Association in Oakland County, completely paid for a Hockney Model HC-10 Weed Cutter in less than a year. The total cost was approximately $4000.00 and was raised entirely through voluntary contributions. Everyone who contributed automatically became an association member. Micki Harding, the association Secretary and Publicity Director says, "Hard work, determination and a positive attitude were the key elements in reaching our goal."

With this kind of spirit and cooperation, success is a sure thing.

DON'T FEED THE WATER FOUL

Perhaps your association is unaware of the problems created by feeding wild fowl on your lake. The **BROOKS LAKE ASSOCIATION**, Region II and the **LAKE FENTON PROPERTY OWNERS ASSOCIATION**, Region V, have urged their members to refrain from feeding the swans and geese that visit their lakes. Feeding makes the birds fat and lazy and upsets their migrating habits. Their droppings contribute to the contamination of the water.

CONGRATULATIONS

A number of ML&SA members increased their membership remarkably during the past year. To pick up from 25 to more than 100 new members in one year is noteworthy and means that someone did a great deal of hard work. Our congratulations are extended to Elk-Skegemog Lakes Association and Lake County Riverside Association, Region II; Black Lake Association and Long Lake Community Association, Region III; Corey Lake Improvement Association, Donnell Lake Welfare and Improvement Association, Goguac Lake Association, Hemlock Beach Association and Painter, Juno, Christiana Lakes Association Region IV; and Cass Lake Residential Property Owners Association, Emerald Lakes Village Homeowners Association, Silver Lake Property Owners and Improvement Association and Village Oaks Common Areas in Region V.

CAN YOUR ASSOCIATION TOP THIS?

Algonquin Lake Community Association, Barry County, lists 90 "accomplishments and endeavors in the 1970's". These include normal routine association activities which are vital to the well-being of an organization, plus dozens of other activities. Let's hear from you and we will compile a list of interesting projects for ML&SA members to work from.

HOW IMPORTANT IS AN ASSOCIATION

Every Lake needs an association The survival of your lake depends upon the people working together with common goals.

As an individual Riparian Property Owner in your community, you can do very little to solve local problems. As a group, organized because there are mutual interests and concerns, you have "clout". You are heard by local governmental units because there are enough of you to attend all of their meetings, to sign petitions, to make waves when waves are needed. You have people to send to conferences so that your organization learns and hears of latest solutions to your problems. You have people to raise funds for needed projects and you have people power to undertake projects. You have an intelligence reservoir to tap for the projects.

Does your lake or stream need an Association! If you are to bring all the intelligence, power and clout of your

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MLSA NEWS

(Continued From Page 15)

community together to help solve your mutual problems, you do!

ML&SA can help you organize an association. Contact the ML&SA Director nearest you (see Riparian for listing) or write to the ML&SA Secretary, 9620 E. Shore Dr. Portage, Michigan 49081 for sample constitutions and by-laws, and other information.

SUMMER PROGRAMS

It is the time of the year for Lake and Stream Associations to prepare their agenda of activities for the summer. Have you considered the following:

1. An area-wide Clean-Up Day of beaches, roadsides and properties? Make it a festive occasion with picnics, contests and a time to get acquainted. Make sure the elderly and physically handicapped are given assistance.

2. Conduct your membership drive on this day when people are out-of-doors and working for a common cause.

3. With old newspapers receiving the best price in years, have regular pick-ups to raise funds for the association. Involve the young people.

4. Touch-up the mailbox and house numbers.

5. Make sure all new residents are welcomed and invited to join the association. Organize a committee of "Greeters".

6. Invite a member of the County Sheriff's Department Marine Patrol to an association meeting early in the summer to review safe boating.

7. Check for winter vandalism. Discuss ways to prevent future damage through Operation Identification (contact Sheriff's Department for information) and neighborhood watches.

8. Make sure your association is represented at all ML&SA Regional and Annual meetings.

9. If your association does not have a regularly published newsletter, start one. (Your ML&SA Secretary can help.)

A successful association is possible only when the entire community is involved. If you have concern for your area, you will attend the association meetings and participate in the activities.

If your association dues are less than $10.00 per family per year, consider increasing them. Adjust for Senior Citizens. This thought was printed in the Pine Lake PO Association, Oakland County, Dec. 1977 Newsletter: "When considering your financial support of P.L.P.O.A. (or your association) consider what your personal costs would be for maintaining one small swimming pool with its limited enjoyment versus maintaining a 400 acre (your) lake."

CALENDAR OF EVENTS

April 18, 1978

Region IV meeting at the Jackson Community Colege, Emmons Road, Jackson County, 7:30 p.m. Board Room (#204), Walker Hall.

May 9, 1978

Region IV dinner-meeting at Sveden House, 1461 28th St. SW, Grand Rapids, 6:30 p.m. All you can eat for $4.95 so come hungry. Meeting scheduled for 7:30 p.m.

May 21, 1978

Region III meeting at Chief Shoppenagon's Motor Hotel, Grayling. Dinner together for those who wish, in the main dining room 12:00 noon (order from menu, pick up own tab). The meeting is scheduled for 2:00 p.m. with guest speaker Dr. Clifford Humphrys of Michigan State University, Department of Resource Development.

Region V Spring meeting will be held at the Lake Fenton Civic Center. ML&SA members watch for mailed notices.

August 26, 1978

Black Lake Association, Cheboygan County, Fiftieth Anniversary, will be celebrated with a Dinner-Dance at St. Paul's Hall, Onaway. An article featuring Black Lake's First Fifty Years will be in the Summer issue.

October 1-2, 1978

The Annual Meeting of the ML&SA will be held at the Interlochen Music Camp near Traverse City. Region II will host this meeting and plans are well underway according to Donald Hall, Regional Vice President. All ML&SA member associations will receive notice but if individuals and non-member associations wish to be on the mailing, please send names and addresses to the ML&SA Secretary.

All meetings are open to the public. For more information contact the ML&SA Secretary.

DNR Hotline

The Department of Natural Resources has a 24-hour hotline number to receive information from the public on pollution emergencies. The number, (517) 373-7660, is part of the DNR's Pollution Emergency Alert System.

When calling the number, be prepared to provide your name, address and phone number, the location and nature of the pollution incident, and the time of occurence or discovery of the problem. The caller will also be asked if the incident took place near water, and if so, what body of water is involved.

Ice fishermen are reminded that cans and bottles left on the ice are washed up on lake shores during spring breakup, inviting accidents for summer bathers and causing many clean-up chores. The Department of Natural Resources says being a good fishermen is more than catching a lot of fish. Clean up your litter and keep it neat.

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your lake or pond
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Legislative Update

By Dave Lynch

Proponents of bills to protect wetlands and control toxic substances may have something to smile about at this stage of the legislative session. Other environmental bills remain locked in committee, with the legislature turning its attention to the operations and structure of the Department of Natural Resources.

Hope for a strong wetlands bill

House Bill 4329, Rep. Warren Goemaere's (D-Roseville) wetlands bill, has lingered on the floor of the Michigan House of Representatives since last summer. Finally, action is scheduled on the bill - and environmentalists are hoping that HB 4329 will emerge from the House in strong form.

At this writing, Rep. Tom Anderson (D-Southgate) is preparing to introduce a substitute version of HB 4329 on the House floor, which incorporates a series of amendments suggested by John Sobetzer, Director of the East Michigan Environmental Action Council.

Sobetzer's amendments are taken directly from guidelines written by the U.S. Environmental Protection Agency for a federal program which regulates the discharge of dredge and fill materials into the nation's waters. The program, which covers all waters from wetlands to major navigable rivers, is implemented under Section 404 of the federal Clean Water Act. 404 permits are issued at the federal level by the Army Corps of Engineers.

Recently enacted Clean Water Act amendments contain provisions which allow states to carry out permit issuance under Section 404 (see the **Riparian**, January, 1978). Any state desiring to issue 404 permits itself must receive program approval by the EPA.

Sobetzer's amendments to HB 4329 would assure that Michigan has adequate statutory authority to carry out permit issuance under Section 404. The amendments would make the bill considerably stronger than the current version of HB 4329, which was gutted in the House Conservation Committee before reaching the House floor.

The amendments include a wetlands definition broader than that in the current bill. They also provide for stronger legal standard for wetlands protection and stiff penalty provisions for violation of the act. Other provisions weakened in the Committee would also be strengthened. Yet the amendments add no further language to the bill than what is required under the EPA guidelines for issuance of 404 permits at the federal level. EPA guidelines for state programs are scheduled for completion by mid-May, and they are not expected to substantially differ from the federal guidelines already in effect.

The approach has the advantage of combining the broad coverage of waters in the 404 program with the broad coverage of wetland activities (such as draining) in HB 4329.

"Unlike other instances where the failure to enact a statute means continued destruction of the resources, as long as we are fighting for a full state program the federal government will be administering the entire 404 program," says Sobetzer. "We have a great deal to gain and little or nothing to lose by working for a comprehensive state program."

He concludes that environmentalists have the issue well in hand - and should fight for a strong state program or nothing at all. Sobetzer urges all Michigan citizens concerned with the continued loss of Michigan wetlands to contact their representatives and urge support for Rep. Anderson's substitute to HB 4329 on the floor of the Michigan House.

Toxic substance bill out of committee

Another bill scheduled for action on the House floor is Senate Bill 63, Senator John Hertel's (D-Harper Woods) bill to set up a state toxic substance control commission.

The bill was reported out of the House Conservation Committee with its basic provisions in substantially the same form as when the bill passed the Senate. The Senate version of the bill called for creation of a 13 member commission which would be given a wide range of authority to deal with "toxic substance emergencies." The commission would serve to coordinate the state's response to an emergency (declared by a ⅔ vote of the commission and agreed to by the governor), making all decisions about the sale, use and disposal of a contaminant. Three state agency heads (DNR, Agriculture and Public Health) would serve as voting members of the commission except in the declaration of an emergency.

Several amendments adopted in the Conservation Committee have displeased Senator Hertel though. One of the amendments change the definition of a toxic substance emergency.

The original bill defined an emergency as a condition "which could reasonably be expected to cause death, disease, or serious physical harm ...."

The Committee changed the definition to include language advocated by the chemical industry: "a condition or practice... requiring immediate action to protect against the potential of widespread death, disease, or serious physical harm....."

Hertel questions whether a chemical manufacturer could get an injunction against a commission emergency action after asserting in court that the potential for "widespread" damage does not exist. Hertel also opposes one amendment which limits certain commission responsibilities to emergency situations only, and another which eliminated a requirement that the commission hold monthly meetings.

Other amendments provided a more explicit definition of toxic substances and changed the size of the commission from 13 to 10 members (department heads granted no voting privileges whatsoever).

Some of the changes opposed by Hertel may be addressed in further amendments to the bill on the House floor. Since any of the Hertel objections could be addressed without massive rewording of the bill, SB 63 is considered at this writing to be very close to its final form.

Committee discusses toxic waste disposal

Meanwhile, the House Conservation Committee is scheduled to act on another toxic substance bill, Rep. Dennis Cawthorne's (R-Manistee) House Bill 5711. The bill would provide for the establishment of a state owned and operated toxic waste disposal facility. The Committee is currently examining a proposal which combines the Cawthorne bill with two bills to provide regulations for liquid industrial waste haulers - HB 4804, sponsored by Rep. Charlie Harrison (D-Pontiac), and HB 4760, sponsored by Rep. Thomas Mathieu (D-Grand Rapids). The proposal will carry the Harrison bill number, HB 4804.

The Michigan Department of Commerce has already begun to examine potential sites for a state toxic waste disposal facility - including the possibility of a toxic waste incinerator at the

(Continued On Next Page)

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Legislative Update .....

(Continued From Page 17)

now defunct Kincheloe Air Force Base in Chippewa County.

The Great Lakes Alliance, a "radical-ecological" group, gathered 2,700 signatures from Chippewa County residents opposed to the incinerator and presented them to the County Commissioners. The Commissioners then passed a resolution opposing the establishment of an incinerator in the county.

The Alliance charges that the proposed incinerator would allow the chemical industry to profit from waste disposal at the taxpayer's expense and would lead to the creation of "a few unsafe and undesirable jobs."

The Department of Commerce has since called off its feasibility study of a Chippewa County site.

A loss for land use in the Senate

While action is forthcoming on wetlands and toxic substance bills, the same can't be said for land use planning legislation, especially in the Michigan Senate. On January 18th, the Senate may have hammered the final nail into the coffin of Senate Bill 692, Senator Richard Allen's (R-Ithaca) land use bill.

Allen made a motion on the floor of the Senate that day to discharge his bill from the Senate Conservation Committee and bring it to the full Senate for consideration. Allen asserted that the bill was not receiving fair treatment in the Conservation Committee at the hands of Chairman Joe Mack - and would surely die unless the full Senate took action. YES votes from twenty senators (a simple majority) were needed to bring SB 692 out of the Committee against the will of Senator Mack.

After the senators retreated into private party caucuses to discuss the issue, they returned to the floor to engage in occasionally heated debate.

When it was all over, 12 senators voted YES, 23 voted NO and 3 didn't vote:

YEAS: Allen, Bursley, Corbin, Dereziński, DeSana, Fitzgerald, Geake, Hertel, Kammer, Otterbacher, Plawecki, Snyder

NAYS: Bishop, Brown, Byker, Cartwright, Cooper, Davis, Faust, Faxon, Guastello, Hart, Holmes, Huffman, Mack McCollough, Miller, Nelson, O'Brien, Scott, Toepp, VanderLaan, Welborn, Young, Ziegler

NOT VOTING: DeGrow, DeMaso, Zollar

The only big surprise came in Senator William Faust's (D-Westland) NO vote. Senate Majority Leader Faust is a cosponsor of SB 692, and worked with Allen on the discharge move.

House bill still in Appropriations Committee

Over in the House, the picture on land use isn't much better. House Bill 4189, Rep. Steve Monsma's (D-Grand Rapids) "essential lands conservation" bill, remains bottled up in the Appropriations Committee. Seven Committee members are reportedly ready to vote YES on sending the bill to the House floor, but ten votes are needed. So three out of the four current "undecideds" (still De-Stigter, Hood, J. Young and O'Neill) must vote YES to report HB 4189 out of the Committee, or the bill is unquestionably dead.

Committee Chairman Dominic Jacobetti (D-Negaunee) is under pressure from House leadership to schedule a meeting to bring the bill up for a vote, but at this writing has not done so.

"Quick take" drain bill passes House

In other legislative actions, House Bill 4310, Rep. John Maynard's (D-St. Clair Shores) bill to give "quick take" condemnation authority to county drain commissioners, has passed the House and is now in the Senate Committee on Agriculture and Consumer Affairs.

HB 4310 was amended on the House floor by Rep. Mark Clodfelter (D-Flint). Clodfelter's amendment changed the bill's time limit for property owner legal challenges of drain project condemnations from ten to thirty days. It also expanded the allowable reasons for challenge to include the necessity of the drainage project or the condemnation. Originally, a challenge to condemnation could only be made on grounds of fraud or abuse of discretion.

The Michigan Association of County Drain Commissioners expressed opposition to the amendment when it was proposed during last legislative session's House floor debate on a quick take bill identical to HB 4310. This year however, Rep. Maynard and the drain commissioners realized their bill would face a similar fate unless they were willing to compromise. In the House Drainage Committee and on the House floor, they faced opposition from a number of legislators, the ML&SA and Environmental Action of Michigan. To avoid a repeat performance of last legislative session, they supported the amendment which they formerly opposed.

After the amendment was added, the bill went on to pass the House by a vote of 58 to 40. A move may be made in the Senate to remove the language which expanded the grounds for legal challenges of condemnations (especially project necessity).

Lake access bill introduced in Senate

Senator Donald Bishop (R-Rochester) has introduced a bill designed to change the procedure by which the DNR acquires and develops inland lake public access sites. Senate Bill 1343 is identical to Rep. Richard Fessler's (R-Union Lake) House Bill 4974, described in the July, 1977 issue of the **Riparian.**

SB 1343 has already been discussed in the Senate Conservation Committee, but no further action has been scheduled until Bishop and the DNR work out amendments to the bill. The DNR currently opposes the bill, claiming that the acquisition of new access sites on inland lakes would be severely restricted, perhaps even stopped, if the bill is enacted in its present form. The United Auto Workers also oppose the bill for the same reason.

Pontoons pay more

Senate Bill 188, which would require owners of pontoon boats to pay registration fees under the Marine Safety Act identical to those for other motorboats of the same length, has also been referred to the Senate Conservation Committee. Action on the bill, sponsored by Senator Alvin DeGrow (R-Pigeon), has been delayed until the DNR and DeGrow work out amendments.

The DNR supports the bill, claiming that there is "no justification" for current provisions in the Marine Safety Act which require payment of a registration fee for pontoon boats which is usually less that the fee for a different type vessel of the same size. Motorboat owners pay greater fees for longer boats - but pontoon boat owners pay a flat rate regardless of boat size.

Passage of the bill would also clarify that vessels documented by the U.S. Coast Guard pay taxes, not registration fees, on their boats. Federal law prohibits states from charging registration fees on documented vessels, so SB 188 would add language to the Marine Safety Act to require that owners of documented vessels pay "a tax equal to the fee" required for undocumented vessels. Understand?

Canoe bill in Conservation Committee

Also referred to the Senate Conservation Committee is Senate Bill 1417, Senator Kerry Kammer's (D-Pontiac) bill to regulate the use of "special waters." Rivers or stretches of rivers

would be designated as "special waters" if the Natural Resources Commission determines that they are being abused by the public.

The bill is designed to address river overuse by rental canoeists, and was opposed by canoe livery owners during the 1975-1976 legislative session. Unfortunately, Conservation Committee Chairman Mack feels livery owners adequately regulate themselves to protect their livelihoods, despite evidence each summer of widespread damage to several rivers of the state. Mack is not expected to move swiftly on the Kammer proposal, to say the least.

DNR reorganization schemes

Lastly, proposals from both the legislature and the executive branch to reorganize the DNR:

In his 1978 State of the State Address, Governor Milliken called for the consolidation of three DNR divisions - Air Quality, Water Quality and Resource Recovery - into two units within the DNR Bureau of Environmental Protection. Milliken also advocates elimination of the Air, Water and Resource Recovery Commissions - to be replaced by a single environmental board in a subordinate role to the Natural Resources Commission.

In advocating this reorganization scheme, Milliken supports the findings of a DNR Task Force on Enforcement, which issued a final report late last year. The report said that Bureau of Environmental Protection staff must currently fill two conflicting roles. On one hand, they must work in a cooperative vein to seek industry compliance with environmental permits. If compliance efforts fail, they must switch to a stiff regulatory stance in carrying out enforcement actions against permit violators. This, among other things, has led to the many well publicized incidents where DNR lack of enforcement has allowed dangerous conditions to persist, particularly with regard to toxic chemicals.

So the report urged that compliance and enforcement functions of the Bureau be separated: all enforcement duties delegated to a new Environmental Enforcement Division within a new Enforcement Bureau, and all compliance activities carried out by a new Division of Management and Facilities and a Division of Environmental Quality (which would replace the Air, Water and Resource Recovery Divisions as mentioned above).

DNR Director Howard Tanner immediately set the plan in motion. The Enforcement Bureau and Enforcement Division have been set up, with DNR executives Charlie Guenther and Jack Bails serving respectively as Bureau Chief and Division Chief. While many departmental changes may occur independent of the legislature - legislative action is required to provide funding for new staff and to abolish the three commissions.

Committee probes conflicts of interest

As one might expect, there is dissatisfaction in the legislature with the executive branch describing its problems and the extent of its own reorganization.

A joint legislative committee to investigate state agency enforcement of environmental protection laws has been established with the passage of Senator Kammer's Senate Concurrent Resolution 284, and it has been suggested that the DNR "copped a plea" with its reorganization scheme before the committee uncovered the **really** bad stuff.

At this writing, the committee (Senators Kammer, Hertel and Allen; Reps. Anderson, Goemaere and Defebaugh) has involved itself mainly with investigations into potential conflicts of interest among DNR officials. Bill Turney, Chief of the Bureau of Environmental Protection, has become the focus of much attention in the press after the committee disclosed that Turney holds a low cost lease on prime recreational land owned by Consumers Power. Turney pays $150 per year for the lease on a twelve acre parcel of land with 1,000 feet of frontage on the Manistee River in Kalkaska County.

Turney has voluntarily asked the state Board of Ethics to rule whether or not the lease arrangement constitutes a conflict of interest. While some DNR personnel have called the committee investigation a "witch hunt," others maintain that Turney at least should have had better judgement than to enter into such an advantageous financial deal with a huge utility regulated by his bureau.

Crim's idea

Another proposal for executive branch reoganization has come from Speaker of the House Bobby Crim (D-Davison). Crim advocates that the legislature completely eliminate the Natural Resources Commission, as well as the Corrections Commission and the Agriculture Commission. This would provide for the direct appointment of these department directors by the governor, replacing the current system whereby the directors are appointed by the commissions. According to Crim, this action would "effectively begin to eliminate the additional layer of insulation which separates some department heads from the electorate."

The proposal to eliminate the Natural Resources Commission has already come under fire from the Michigan United Conservation Clubs. In a recent "warning to Michigan Citizens," MUCC claims that Crim's plan "could well lead to control of the Department of Natural Resources by forces that place personal profit and power above conservation principles and practices."

"Changing of conservation directors with every change in the top political office or whenever a director falls out of favor with a Governor for whatever reason could leave the Department of Natural Resources in a shambles," the warning continues.

A more modest proposal

Rep. Gilbert DiNello (D-East Detroit) has introduced a package of bills to achieve a similar end. The governor would appoint all state department directors, but no present commissions would be abolished. DiNello's House Bills 5945 and 5946 apply to the DNR. They have been referred to the House Committee on State Affairs. MUCC is opposed to these bills as well as Crim's idea.

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New Chairman Elected Natural Resources Commission

Dean M. Pridgeon of Montgomery, Michigan, who has been a Natural Resources Commissioner since his appointment by Governor William G. Milliken in 1974, was unanimously elected on January 12, as chairman of the Natural Resources Commission for 1978.

Pridgeon, 56, assumes the chairman's gavel from Joan L. Wolfe of Belmont, who presided over the Commission in 1977.

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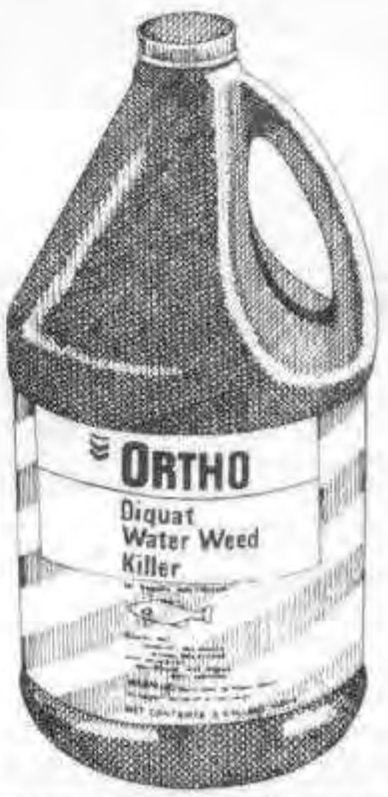

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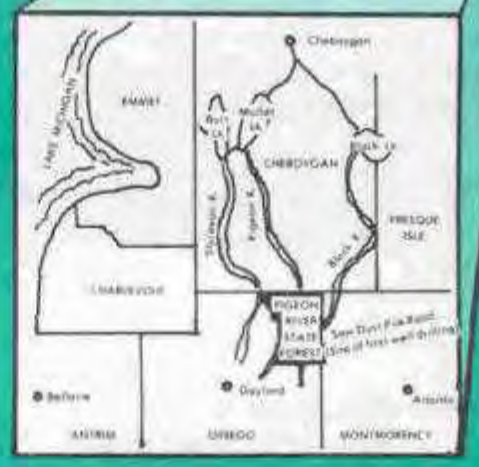
PIGEON RIVER STATE FOREST

To drill or not to drill? What is the public trust?



Will you join in the defense of the "Big Wild"? Herb Ranta, Chairman of the Board of Directors of West Michigan Environmental Action Council has written to the Michigan Lake and Stream Associations appealing for help in opposing Shell Oil Company's and two other oil companies' desire to drill for oil in the Pigeon River State Forest. Ten environmental conservation organizations are pitted against the oil companies and the DNR in this issue.

Mr. Ranta writes that "This lawsuit has been incredibly complex and time consuming. It has been made possible by a remarkable coalition of volunteers which include outstanding legal scholars (like Joseph L. Sax), nationally known expert witnesses (like Georgia Tech's Dr. Clifford Bragdon, and U.M.'s Dr. S. Ross Tocher), and dedicated citizens (like Ford Kellum, retired DNR wildlife biologist)...."

We have tried to assist you in your understanding of the ramifications of the suit by showing the location of the Forest and the location of the first drilling, the pro and con arguments presented in the trial, and the sequence of developments in the case.

In order to help defray court and legal costs, Kay Dodge has created four wildlife prints which are available for $55.00. Fifty dollars of the contribution is tax deductible, since the cost of producing the prints is $5.00. If you wish to help, your check should be made out to the "Pigeon River Defense Fund, c/o WMEA Educational Foundation, 1324 Lake Drive, SE, Grand Rapids, Michigan 49506.

(Continued On Next Page)

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(Continued From Page 21)

... The Arguments

Pro

1. An individual tree or an individual elk is not of any particular importance under the Michigan Environmental Protection Act. "It is the forests ecosystem that is important."

2. The "time dynamics" of the forest allow oil and gas development impacts to disappear in a relatively short time.

3. A DNR impact statement released in December 1975 constitutes a "findings of fact" required by MEPA.

4. To allow limited adverse impacts on the Forest is not in violation of the provisions of MEPA.

5. The following limits established in the resolution approved by the Natural Resources Commission in June 1976 minimize the environmental impacts:
   a. No developments between April 15 and June 15 to protect the young wildlife.
   b. No permits shall be issued except in the southern one-third of the Forest.
   c. Drilling noise cannot be greater than 45 decibels at a distance of 1,500 feet.
   d. Drilling operations must be shut down during the Elk mating season from September 15 to November 30.

Con

1. The Michigan Environmental Protection Act of 1970 prohibits "pollution, impairment or destruction of the natural resources of the State.

2. The noise of clearing the land, building roads and pipelines, drilling for gas or oil, moving of heavy truck through the Forest are all detrimental to the Forest and to the wildlife which inhabit it.

3. The use of State lands shall be consistent with the primary purpose for which the land was purchased. DNR policy states that primary consideration shall be given to the environment in decisions made and actions taken.

4. The DNR failed to make proper "findings of fact" prior to entering into an agreement with the oil companies to allow drilling.

5. The southern one-third of the Pigeon River State Forest is the most ecologically fragile part of the Forest since it contains the headwaters of the Pigeon and Black Rivers.

(Continued On Next Page)

... The Developments

For

1968--DNR sold leases to oil companies for drilling right on State lands, including Pigeon River State Forest lands. (Shell, Amoco, Northern M. Expl. Co.)

1970--DNR permitted drilling of wells in the southern edge of the Forest.

1972--Michigan Oil Company requested permission to drill off the Round Lake Trail, on the edge of Black River Swamp.

1972--Michigan Oil Company started legal proceedings against the DNR.

1972--The DNR developed a new management plan for Pigeon River State Forest which would permit drilling in the southern one-third of the Forest.

1974--Seismic explorations by oil companies completed.

1975, December.--DNR released an environmental impact statement on drilling in Pigeon River State Forest.

1976, June 11--The Natural Resources Commission approved a resolution to permit (with limitations) drilling in the Pigeon River State Forest. (See ARGUMENTS for limitations.)

1976, October--Shell Oil Company, Amoco Production, and Northern Michigan Exploration Company filed a motion to intervene as co-defendants with the DNR.

1977, August 24.--DNR Director approves ten (10) oil drilling sites in Pigeon River State Forest.

1977, December 1--Clearing of drilling sites begun by Shell Oil Company.

1977, December 4--Shell Oil Company began drilling for oil at site along Saw Dust Pile Road.

1977, December 5--Circuit Judge approves permits to clear and drill on all ten (10) sites approved by the DNR.

1977, December 18, Week of--Shell Oil Company struck oil.

Against

1919--Pigeon River State Forest established.

1930's--Thousands of acres were added to the Forest, and were acquired to be "managed and protected as a special place, where quiet and nature would dominate and man only visit and recharge his soul."

1972--DNR refused permission to Michigan Oil Company

1972--The Circuit Court rules that the DNR could deny drilling permits on leased land if drilling was likely to cause environmental degradation.

1976, May--The Natural Resources Commission adopted a resolution saying it opposes all oil drilling in the Pigeon River Country State Forest.

1977, August 26--Roger Conner, representing environmentalists, entered an appeal before the NRC.

1977, August 26--Judge Michael Harrison granted a temporary restraining order against Shell Oil Company until Sept. 6, 1977.

1977, Week of October 9-14--Trial begins in Ingham County Circuit Court, Lansing, Michigan. Witnesses called to stand: Gary Boushelle-DNR biologist. Dave Smethurst-Chairman Pigeon River Advisory Council.

1977, Week of October 17-31--Witnesses called to stand: Independent geologist, Noise expert, Hydrologist, Ford Kellum-retired DNR biologist, Jim Hall-Traverse City sportsman, Steven Swan-district fish chief, Ned Caveney-forest supervisor.

1977, Week of December 1--Injunctions filed by Roger Conner in Circuit Court. (Injunctions denied by Circuit Court Judge Thomas L. Brown).

1977, December 2--Roger Conner files an emergency appeal with the Michigan Court of Appeals.

1977, December 15--Roger Conner filed a brief with the State Supreme Court asking the Shell Oil Company be ordered to shut down operations.

1977, December 20--The State Supreme Court ordered Shell Oil Company to shut down operations until the Court could review environmental charges.

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FYI...

(Continued From Page 14)

to the point where it is now cleaner than river water above the plant. These improvements have permitted resumption of canoeing in Lansing's Potter Park, on the lower reaches of the Red Cedar.

"We're putting out a discharge of high quality water," says Robert Bruce, East Lansing's City Engineer.

Citizens Council Implement Conservation Plans For River Basin

The Kalamazoo-Black-Macatawa Paw Paw Rivers Basin Citizens Council is undertaking a unique conservation effort. Presently, the Council is seeking local leaders who may be interested in participating. The program we are launching is supported by the National Science Foundation (NSF).

The grant has created an exciting challenge for the Citizens Council. It is our objective to implement as much of the plan as possible. While many River Basin plans have been drawn, very few, if any, have been implemented by citizens.

The project, to be executed through the Institute of Public Affairs at Western Michigan University, is unique for several reasons:

1. It is a program to be executed through citizen support;
2. It is an educational program focused on appropriate scientific concepts relating to resource conservation in the River Basin; and
3. It is based on local discussion and local control of conservation measures.

The project also challenges citizens to concern themselves with conservation of local natural resources, and to devise initiatives to execute conservation projects in cooperation with local government.

However, the project will be successful only if we can elicit the cooperation of many local leaders.

The Council has high hopes that the people of the River Basin will respond favorably to this challenge.

If you are interested in participating in the project, please contact the Institute of Public Affairs, Western Michigan University, Kalamazoo, Michigan 49008, or call (616) 383-3983.

RECENT DNR BOOKLET TO AID RIVERFRONT LAND OWNERS

The recent publication entitled, "Stream Sites: Buying, Building and Care", was prepared by the Division of Land Resource Programs of the Michigan Department of Natural Resources.

This forty page booklet discusses riverfront protection in specific, easy to understand terms with extensive use of simple graphics. The guidelines for use, development and management of riverfront lands emphasize protection and enhancement of a riverfront landowner's investment as well as protection of a valuable, fragile resource.

Copies of the booklet are available by writing:

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NEW AQUATIC PLANT PUBLICATION AVAILABLE

The recently developed bulletin entitled, "Aquatic Plant Problems in Recreational Lakes of Southern Michigan" is now available. The bulletin was a cooperative effort between the Land Resource Programs Division, Inland Lake Management Unit, Michigan Department of Natural Resources, and Michigan State University and is intended to develop the relationship between changes in the watershed, incoming nutrient levels and a lake's aquatic plant community. The changes in the type of plants and their abundance in relation to increasing enrichment is discussed and is well illustrated through numerous black and white and color photographs. Special emphasis is given to the impact of certain introduced aquatic plant species on our lakes' native aquatic plant communities. The bulletin should be worthwhile for anyone with an interest in lake ecology or aquatic plant control. Persons wishing to obtain a copy of this publication should send a check or money order for $2.00 and request Extension Bulletin E-1135 from P.O. Box 231, Michigan State University, East Lansing, Michigan 48824.

Enforcement of Environmental laws

Fixing responsibility for enforcement of environmental laws passed to protect the natural resources of the state from contamination is often eroded by placing authority in various commissions, boards, and tribunals.

The citizen has difficulty in learning what the law provides, and he is further distraught in trying to find out who has jurisdictional authority for what he believes to be a violation of law.

The aggrieved citizen will bring his cause to a government agency, only to find to his chagrin, that the agency is advisory only, and not statutory. It is easy, when this happens, for the citizen to reach the conclusion that the government is ineffective in protecting his interests, and may even conclude that government is a detriment to justice being achieved.

(Continued On Next Page)

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FYI...

(Continued From Page 24)

To bring order out of this kind of chaos, Governor Milliken is seeking legislation which would abolish the three commissions on air pollution, water resources, and resource recovery. The Natural Resources Commission has passed a resolution in support of Governor Milliken's efforts, and has passed a resolution supporting Director Tanner's efforts to streamline and centralize law enforcement by establishing a Bureau of Enforcement to contain the present Law Enforcement Division, and establishing a new Environmental Law Enforcement Division.

Director Tanner has appointed Charles J. Guenther as chief of the Enforcement Bureau, and Jack D. Bails as Environmental Enforcement Division chief. Both men have served in key DNR positions in the Department's Lansing executive office. Guenther has been with the Department for 26 years, and Bails for 13 years. These appointments should improve the departments enforcement of environmental laws and regulations.

CHARLIE GUENTHER

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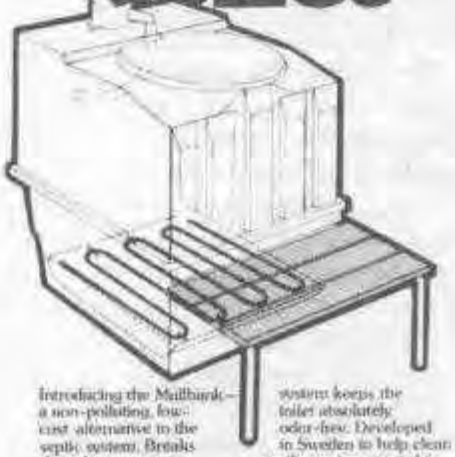

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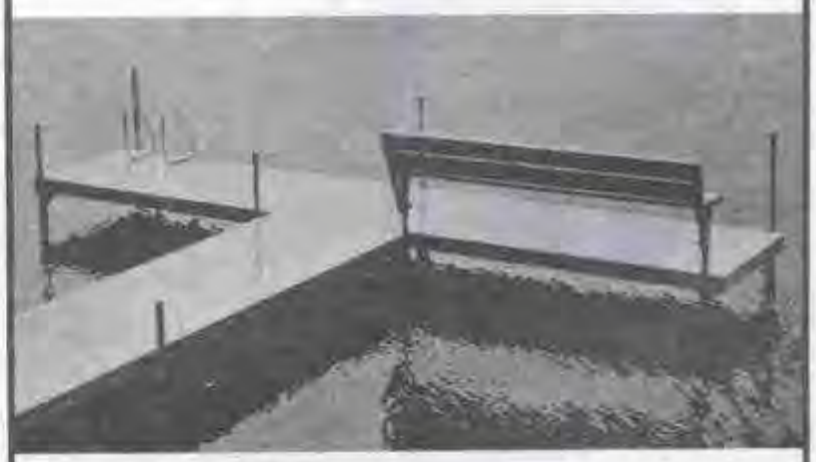

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