

FALL
2010



Vol. 45 No. 3

THE MICHIGAN RIPARIAN

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



Donald E. Winne
“Mr. Michigan Riparian”

Because Tomorrow Matters

Our mission is to aid in the maintenance of clean & beautiful waterways worldwide through the use of environmentally safe surface water management equipment. Discover the many ways our innovative solutions can rejuvenate your lake or river. Aquarius Systems... caring about today to make a difference for tomorrow.



Amphibious Excavators



Aquatic Plant Harvesters



Trash Skimmers



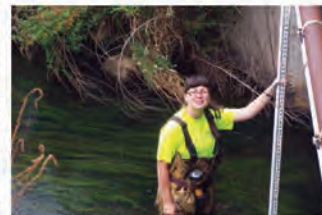
Aquatic Vegetation Shredders



**AQUARIUS
SYSTEMS**
A Division of D&D Products Inc.

Phone 262-392-2162
Toll Free 800-328-6555
info@aquarius-systems.com
www.aquarius-systems.com

The Go-To-Firm for Innovative and Practical Solutions



- Watershed Studies ■
- Sanitary Sewer Systems ■
- Grant and Loan Applications ■
- Rate and Assessment Studies ■
- Bathymetric Surveys ■
- Dredging, Bridge and Dams ■
- Lake Level Management ■
- Ponds and Water Features ■
- Low Impact Developments ■
- Wetland Assessments ■
- Hydro-geologic Studies ■



WIGHTMAN & ASSOCIATES, INC.
ENGINEERING ♦ SURVEYING ♦ ARCHITECTURE

2303 Pipestone Road
Benton Harbor, MI 49022

Phone: 269.927.0100 • Toll Free: 877.927.0109
Fax: 269.927.1300 • www.wightman-assoc.com

THE MICHIGAN RIPARIAN (ISSN 0279-2524) is published quarterly for \$2.50 per issue by the Michigan Lakes and Streams Foundation, a Michigan non-profit corporation. Periodical postage is paid at Lansing, Michigan, and additional mailing offices.

POSTMASTER:

Send address changes to:
The Michigan Riparian
304 East Main Street, Stanton, MI 48888

THE MICHIGAN RIPARIAN is the only magazine devoted exclusively to the protection, preservation and improvement of Michigan waters and to the rights of riparian owners to enjoy their waterfront property.

THE MICHIGAN RIPARIAN magazine is published quarterly and is mailed to subscribers in the Spring, Summer, Autumn and Winter.

THE MICHIGAN RIPARIAN
PUBLISHING OFFICE
304 East Main Street
Stanton, MI 48888

PUBLISHER • FRANZ MOGDIS
PHONE 989-831-5100
E-MAIL info@riparian.org

EDITOR • SHARON WAGNER
PHONE 989-831-5100
E-MAIL swagner@mlswa.org

SUBSCRIPTION RATES (4 issues/year)
Individual annual subscription: \$10
Lake association quantity subscriptions: \$8

ADVERTISING RATES
Advertising rates sent upon request
or available on website.

DEADLINES: August 15 for Autumn issue
Dec. 15 for Winter issue
March. 15 for Spring issue
May 15 for Summer issue

Printed by Spartan Printing, Lansing, Michigan

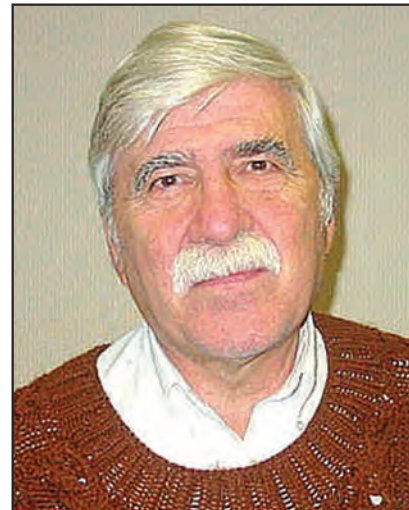
The Michigan Lakes & Streams Foundation is not responsible for views expressed by the advertisers or writers in this magazine. While The Michigan Riparian has not intentionally printed incorrect material or omissions, the contents are nevertheless the responsibility of the parties furnishing material for this magazine. Accuracy of information is subject to information known to us at printing deadline. We apologize for any errors.

No maps, illustrations or other portions of this magazine may be reproduced in any form without written permission from the publisher.
COPYRIGHT ©2010 BY THE MICHIGAN LAKES & STREAMS FOUNDATION.

FROM THE PUBLISHER

Celebrating The Past And Looking To The Future

This issue of the Michigan Riparian is a very special issue for many of us. It celebrates the past and looks to an exciting future for both the Riparian Magazine and Michigan Lake & Stream Associations (MLSA). Celebrating the past is remembering the tremendous contribution Don Winne as Publisher of the Riparian and Executive Director of MLSA made to the citizens of Michigan. He was both a visionary and a leader for over three decades in protecting Michigan's water resources and the rights of riparian property owners. Don, long before it was fashionable, understood the importance of Michigan's water resources and the need to protect them for future generations. He always had this as his number one priority. The many tributes for Don's efforts included in this issue reflect on his accomplishments and contributions.



In order to help insure that Don's legacy is both remembered and supported, The Michigan Lakes & Streams Foundation is creating an endowed fund in his name. The interest generated annually from this fund will be used to support projects which reflect Don's priorities of insuring that Michigan's water resources are protected for our children's and grandchildren's use. The principal in this endowed fund will not be touched and will exist in perpetuity. Only the interest generated annually will be used. As the principal grows, so will the dollars available to support meaningful projects in Don's name. If you wish to contribute to this fund, see the information on page 29 of this issue for more details regarding the Foundation and how to contribute.

You also will note that in this issue we have made several changes. We brought back and will continue to include a couple of very popular features: "Lake Happenings" and "Love My Lake". We encourage you to submit items for these features so they can be shared with the more than 10,000 readers of the Michigan Riparian. Each issue of the Michigan Riparian will also continue having Cliff Bloom's popular feature; MLSA's Newsletter; as well as the most current information regarding issues and solutions that are important to you in protecting your lake, stream or river's water resources, as well as your riparian rights.

We appreciate your patience during our transition to our new offices in Stanton. We look forward to your comments and input regarding how we can continue to improve the publication and insure that it meets your needs and expectations.

In closing, "Thanks, Don for all you did and accomplished. We are all better off for it".

– Publisher, Franz Mogdis – Editor, Sharon Wagner

Live On A Lake?

Concerned About the Future of Your Water Resources?

Membership dues of \$35 entitles you to a year's membership and a subscription to The Michigan Riparian magazine as well as other benefits.

Mail check payable to MLSA to:

Michigan Lake and Stream Assoc., P.O. Box 57 Lake George, MI 48633

Or Go Online to Download A Full Application Form

<http://www.mlsa.org/applying.htm>

First Name: _____

Last Name: _____

Mailing Address: _____

City: _____

State and ZIP: _____

Phone Number: _____

E-Mail: _____



FOR OFFICE USE ONLY:

date rec'd _____ amt _____
ck no _____ member _____



"Over 30 Years of Invasive Plant Management"

- Lake Management Planning
- Vegetation Surveys
- Bathymetric Mapping
- Herbicide Applications
- Water Quality Monitoring
- Weed Harvesting
- Fish Evaluations
- Fountain & Aeration Systems
- Retail Sales

P.O. Box 132, Caledonia, MI 49316
Toll Free 800-382-4434
www.plmcorp.net

Preserving Our Lakes Today for Our Generations Tomorrow

Serving Michigan Since 1995

SAVIN LAKE SERVICES

3088 Hottis Rd. Hale, MI 48739

All Of Your Lake & Pond Needs

Lake & Pond Management 🌲 Aquatic Weed & Algae Control
Lake Management Planning 🌲 Custom Aeration Systems
Decorative Fountains 🌲 Aquatic Weed Harvesting 🌲 Licensed & Insured

Hale:989.728.2200 Clare:989.386.0600 Toll Free:1.877.SAVLAKE

www.LakeAndPond.com

Changes in Riparian Office

First of all, please accept our apologies if you have had any difficulties receiving the Michigan Riparian. We made some changes (See page 30 for more details) to assure we have current addresses, the right number of subscriptions ordered; and starting with the summer 2010 issue, we included the subscription expiration date on the mailing label. We want to assure that renewals are timely, and having your renewal date at your fingertips will make it easier for you.

The Riparian staff is excited about the changes that have taken place over the past year to better serve you. Our office is now centrally located in Stanton. There is a new editor for The Michigan Riparian, a subscription coordinator who takes care of changing addresses and missing magazines. And, there's a publishing committee to expedite the whole magazine process.

Our goal is to make our subscribers happy. We brought back a couple of your favorite features to the magazine— Love My Lake and Lake Happenings. And if you are missing a magazine, give us a shout. We'll get one out to you right away.

Please mail/email your articles, letters to the editor, ad copy, subscription payments and/or address corrections to the Riparian office.

The Michigan Riparian
304 E. Main Street
Stanton, MI 48888
Email: swagner@mlswa.org
989-831-5100

Reduced Riparian Subscription Rates

As you know, The Michigan Riparian is non-profit, with its only source of financial support through its subscribers and advertisers. Several lake associations have asked for a reduced subscription rate. The Riparian offers a discount for quantities of five or more at the reduced rate of \$8.00 per year. For orders of four or less, the price is \$10.00 per year, the same rate as for individual subscribers.

We are proud of the fact that we have been able to maintain our subscription price for the past several years despite the rising costs of postage, paper and printing. No change in this rate is anticipated at this time.

Questions or changes with your subscription?

Please contact Roger Carey
Subscriptions Coordinator

989-588-9538 or email mcarey55@charter.net.

Subscribe to The Michigan Riparian Just \$10.00/year!

Please fill out this form, clip it
and mail it in with your \$10 check
made payable to:

"The Michigan Riparian"

Mail to: The Michigan Riparian
304 E. Main St.
Stanton, MI 48888



First Name: _____

Last Name: _____

Mailing Address: _____

City: _____

State and ZIP: _____

Phone Number: _____

E-Mail: _____



FOR OFFICE USE ONLY:

date rec'd _____ amt _____

ck no _____ exp. issue _____

Yours, Mine, or Theirs?

By Clifford H. Bloom, Esq.

Law Weathers
800 Bridgewater Place
333 Bridge Street, N.W.
Grand Rapids, Michigan 49504-5320



The land located under a lake in Michigan is generally referred to as “bottomland.” Bottomlands can be truly submerged under water at all times, or can be called “exposed bottomlands” when lake waters have receded and left exposed dry land. Michigan law regarding who owns which particular bottomlands (and can control the same) is confusing at best.

Bottomlands ownership and control is different for the Great Lakes versus inland lakes in Michigan. With regard to the Great Lakes, bottomlands covered by water at a particular point in time are owned and controlled by the state of Michigan. But what about exposed Great Lakes bottomlands that are not covered by water at the moment? Michigan case law is somewhat contradictory regarding the issue. Many Michigan appellate cases have held that riparians on the Great Lakes generally own a “movable freehold,” which means that they own the land up to the edge of the water, wherever the water’s edge may be at any given time. See *Glass v Goeckel*, 473 Mich 667 (2005), *Hilt v Weber*, 252 Mich 198 (1930), and *Mumaugh v McCarley*, 219 Mich App 641 (1996).

It is an interesting concept, as the water’s edge for the Great Lakes can literally change overnight, depending upon the wind and weather. Other Michigan legal sources seem to imply that Great Lakes riparians own only to the ordinary high water mark, with the state owning everything lakeward thereof (whether covered by water at a given point in time or not). Even if such legal authorities are correct, they still recognize that the adjoining Great Lakes riparian property owner does have control or “dominion” over the exposed bottomlands located lakeward of the ordinary high water mark. See also the Great Lakes Submerged Lands Act, MCL 324.32501 *et seq.* and Michigan Attorney General Opinion No. 5327 (July 6, 1978). Some of the confusion seems to arise from the fact that some appellate cases speak in terms of Great Lakes “beds” and “bottomlands” without differentiating between exposed (dry) versus water covered lands.

Regardless of where the limits of riparian land ownership are for a given stretch of

Great Lakes shoreline, all property located lakeward of the ordinary high water mark is subject to an invisible easement (not created in any recorded or other document) that benefits the public. It is an easement of “navigability” and, at the very least, allows members of the public to walk along the Great Lakes on any exposed bottomlands, lakeward of the ordinary high water mark, without the permission of the adjoining riparian landowner. See *Glass v Goeckel*. That invisible navigability easement is also sometimes referred to as a right of the “public trust.”

Since adjoining riparian landowners do not own the water-covered bottomlands of the Great Lakes (or potentially even dry land located lakeward of the ordinary high water mark), they generally cannot install a dock or pier without the permission of the Michigan Department of Natural Resources and Environment, the United States Army Corps of Engineers, or both, depending upon where in Michigan the property is located. Furthermore, items such as stairways, decks, seawalls, and similar structures generally also cannot be installed lakeward of the face dune or near the waterfront of the Great Lakes without the appropriate government permits.

The law regarding bottomland ownership and control for inland lakes in Michigan is much different than the law that is applicable to the Great Lakes. With the overwhelming majority of inland lakes in Michigan, a riparian property owner’s ownership does not stop at the water’s edge. Instead, most riparian landowners on Michigan inland lakes own the bottomlands adjacent to their lakefront property to the center of the lake even though the bottomlands are not expressly mentioned or described in their deeds. See *Hall v Wantz*, 336 Mich 112 (1953); *Gregory v LaFaive*, 172 Mich App 354 (1988). With lakes that are nearly round, riparians own pie-shaped bottomlands areas to the center of the lake. With irregularly-shaped lakes (which are most of the inland lakes in Michigan), the courts have had to resort to various proportionality formulas to determine bottomlands ownership. See *Heeringa v Petroelje*, 279 Mich App 444 (2008) and *Cutliff v Densmore*, 354 Mich

586 (1958). Almost never do the riparian boundary lines for bottomlands radiate out into the center of the lake at the same angle as the side lot lines of the property involved on dry land.

On an inland lake, only the riparian landowner can install and utilize a dock or pier, a swim raft, or a boat cradle on his/her bottomlands. The same is true with regard to permanent boat moorings. See *Hall v Wantz*; *Patterson v Dust*, 190 Mich 679 (1916); and *Hilt v Weber*. The common misperception that anyone (even nonriparians) can permanently moor or anchor a boat, maintain a swim raft, or engage in other similar activities anywhere they want on a lake is simply false. Members of the public do have the right to temporarily anchor their boat as an incident of fishing or navigability. See *Hall v Wantz*; *Patterson v Dust*; and *Swartz v Sherston*, 299 Mich 423 (1941). However, that right of anchorage without the permission of the bottomlands owner does not extend to overnight boat mooring or while the owner of the boat is not physically present.

Another common myth is that members of the public have the right to walk on the shoreline of a Michigan inland lake riparian without permission. Except for those cases where a public road right-of-way, easement, or walkway exists along the shore of a lake, members of the public have no such right. It is possible that many laypeople are confusing the rules for inland lake usage with the public trust doctrine easement applicable to the Great Lakes. That easement does not exist with regard to inland lakes in Michigan.

Can someone who is swimming from a boat walk or stand on your bottomlands on an inland lake without your permission? Unfortunately, Michigan case law is not clear regarding that issue.

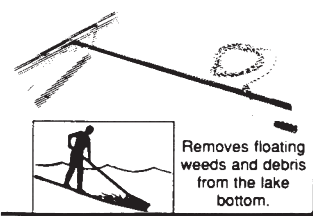
Given that many lakefront lots are small, that most riparians want a significant dock and boat mooring at their waterfront, and the popularity of scarce water frontage, disputes over bottomlands have only increased over the past few decades. ♦

WEED FREE BEACH!!

WATER WEED CUTTER► CUTS SAFE, QUICK & EASY

Throw it out — Pull it in — it's that Simple! Built to last with Stainless Steel (Resharpenable blades)

**Free Blade Sharpener
\$10.99 Retail Value!**



Removes floating weeds and debris from the lake bottom.

◀ WATER WEED RAKE

Just throw it out from Dock or Shore. Attachable Float makes rake More effective for removing cut weeds or algae from lakes & ponds. Removes bottom debris with Adjustable Extension reaching up to 10' (Included). Made of LIGHT WEIGHT 3-1/2 lb. 36 in. 5-1/2 ft. Magnesium Aluminum.

REMOVES FLOATING WEEDS with ATTACHABLE FLOAT

WATER WEED CUTTER
NOW
\$134.95

Plus Shipping & Handling

**BUY BOTH
SAVE \$40.00**

Order Now

Plus Shipping & Handling

WATER WEED RAKE
NOW
\$124.95

Plus Shipping & Handling

**30 DAY MONEY BACK GUARANTEE
DEALER INQUIRIES WELCOME**

TOLL FREE 1-800-299-4198, EXT. 19

VISA & MASTERCARD accepted • 8 am - 4:30 pm EST Ans. Service
FREE INFO

MI residents add 6% sales tax.

■ WATER & RIPARIAN LAW ■

CAREY & JASKOWSKI

Attorneys at Law

A Professional Limited Liability Company

2373 S. I-75 Business Loop
Grayling, MI 49738
(989) 348-5232

www.carey-jaskowski.com

Advocates for lakefront property owners and lake associations throughout the state.

Representation on road end abuse, zoning plat vacations, and MDNRE permitting.

Any law firm can claim they know riparian law. Ask to see their resume.

See our published cases at
www.carey-jaskowski.com

AQUAMARINE

Division of Erectoweld, Inc.

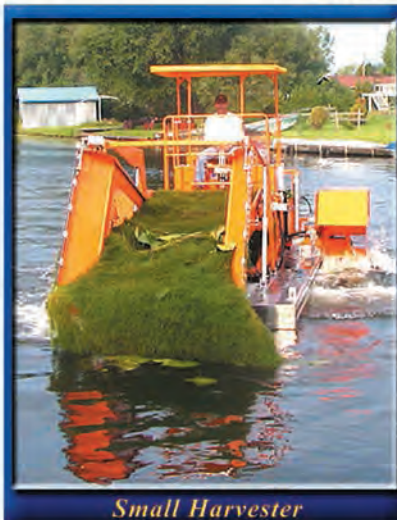
* Aquatic Plant & Weed Harvesters
* Debris Skimmer Boats
* Trash Hunters
* Crane Boats
* AquaRakes
plus

* Shore & Pier Conveyors
* Transport Barges
* Specialty Trailers

Open Water Management Systems

Industry leader for 37 years

- 50 pieces of standard equipment
- more than 1000 units sold worldwide
- Specialized equipment designed for removal of nuisance water weeds, floating trash & debris
- Lakes, reservoirs, marinas & ports, shorelines, rivers & canals



Small Harvester

555 South Industrial Drive
Hartland, WI 53029

262-547-0211 Fax 262-367-8064

Visit us at www.weedharvesters.com
for more information and video.

Cayuga, NY 315-253-4270
hclasen@weedharvesters.com



Transport Barge Offloading to Shore Conveyor



AquaRake

Mechanical Water Quality Control

- ... adds no chemicals to alter aquatic ecosystems
- ... slows eutrophication
- ... allows immediate water usage

* New & Used Equipment *

* Replacement parts for all makes of harvesting & skimming equipment *

* On-Site Training *

Watershed Management: What Local Government Officials Should Know

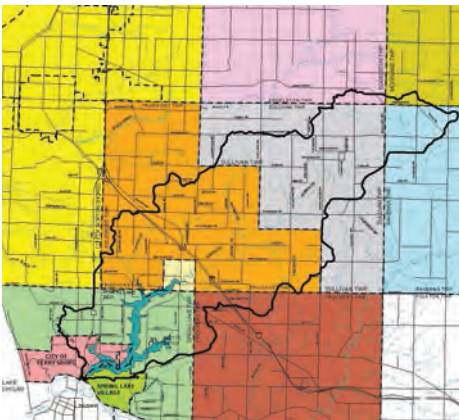
By: Tony Groves

Water Resources Practice Leader, Progressive AE

This is the second part of a two-part article on watershed management. The first article entitled “*Watershed Management – What Every Riparian Property Owner Should Know and Do*” appeared in the Spring 2010 issue of the **Michigan Riparian**.

With 11,000 inland lakes, 52,000 miles of rivers and streams, and 4,000 miles of Great Lake’s shoreline, Michigan is certainly a “water wonderland.” Tax revenues from waterfront property and the fishing, boating and tourism industries all help drive Michigan’s economy. Clearly, proper management of Michigan’s water resources will be essential to the state’s long term economic viability.

It is important to understand that managing Michigan’s lakes, rivers, and streams involves more than just the water itself; it also requires that we manage their watersheds. A watershed is the land area that drains to a lake or stream. Watershed management is a holistic approach to management that recognizes land use activities in a watershed directly impact both water quality and quantity. Watershed boundaries do not follow political jurisdictions, and often several municipalities must coordinate efforts to effectively manage a common water resource. This article addresses management challenges and potential opportunities for Michigan’s government officials to consider.



Spring Lake watershed map.

The Spring Lake watershed includes 11 governmental units.

CHALLENGES

Fragmented Authority

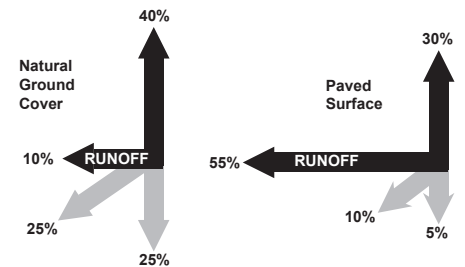
In Michigan, various governmental jurisdictions have land and water management authority. In fact, fragmented authority presents one of the biggest challenges to cohesive watershed management in Michigan. With 83 counties, 1,242 townships, and over 600 cities in Michigan, all of which may have different land and water management policies, garnering local government collaboration on a watershed basis can be a formidable undertaking.

Stormwater

An integral component of watershed management that becomes more critical as land is developed and urbanized is stormwater. Ideally, stormwater should be managed to mimic pre-development conditions. As depicted below, the hydrologic cycle is the process by which water falls to the ground as rain and snow, infiltrates into the ground, evaporates or transpires back to the atmosphere, or runs off the land to lakes and streams. A challenge facing many communities is how to plan and design development in a way that will not substantially alter the natural hydrologic regime, especially with respect to the amount of runoff versus infiltration.

Land development can have a profound impact on the natural hydrology. As

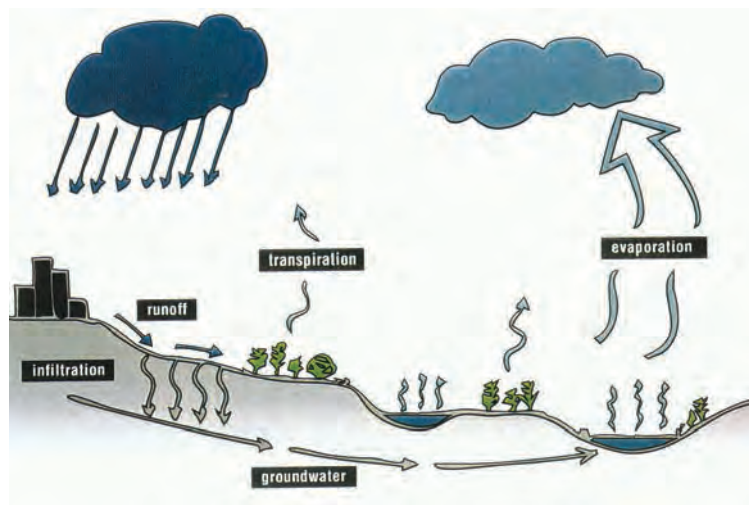
roads, roof tops, driveways, parking lots, and other impervious surfaces are constructed, the amount of runoff can increase dramatically, causing a host of problems. On a watershed level, imperviousness as little as 10% can significantly alter stream ecology and flow characteristics (Schueler and Holland 2000). Often, as imperviousness and runoff increase, the quality of downstream lakes and streams decreases.



Source: Tourbier J.T. and R. Westmacott (1981)

The Fuss about Phosphorus

Phosphorus is the nutrient that most often stimulates aquatic plant and algae growth leading to a number of problems collectively known as eutrophication. Once in a lake, a pound of phosphorus can generate hundreds of pounds of aquatic vegetation. Recognizing problems associated by excessive phosphorus loading, Michigan limited phosphorus in laundry detergents in 1977 and more recently adopted legislation



The Hydrologic Cycle

to reduce phosphorus in dishwasher detergent. However, lawn fertilizers and septic systems remain primary sources of phosphorus pollution in Michigan.

OPPORTUNITIES

Federal, state and local governments are all involved in stormwater management. Each has a role to play to help ensure stormwater management issues are addressed on a watershed basis.

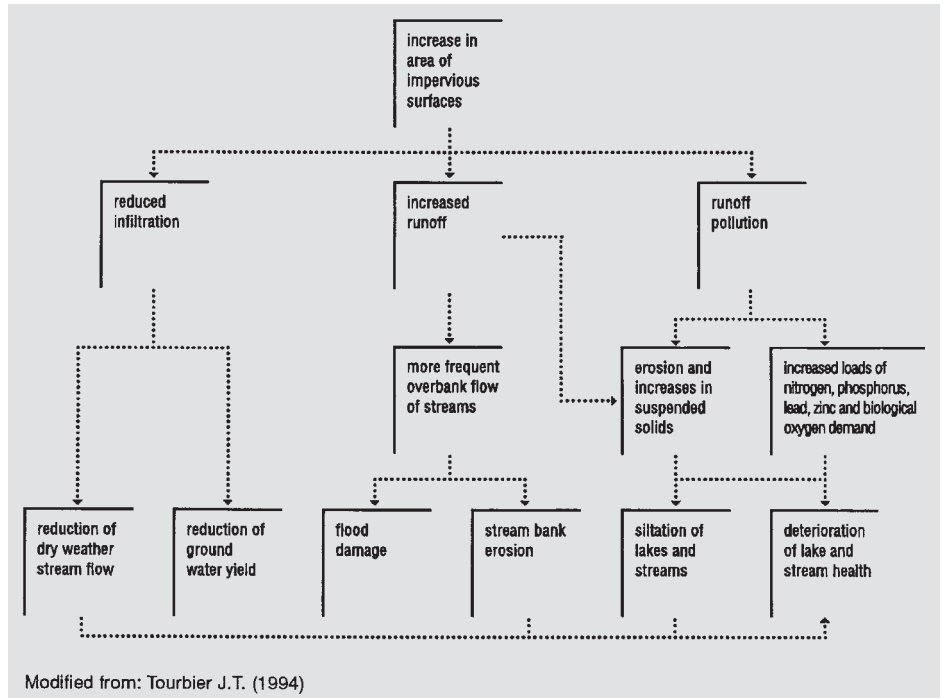
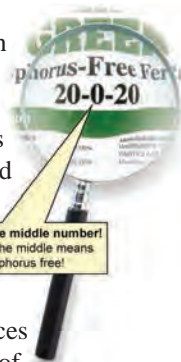
Federal

Federal authorities provide the national standards that state and local governments must meet to be in compliance with federal regulations. Many of the stormwater mandates promulgated at the federal level do not have financing and funding mechanisms. While there are some state and federal grants available through the Michigan Department of Natural Resources and Environment Nonpoint Source Control Program for watershed-based projects, federal grants often cannot be used to match federally-mandated stormwater programs.

State

At the state level, there are several legislative opportunities on the horizon. Legislation is pending for state-wide phosphorus fertilizer regulations (House Bill No. 5368 and No. 5369) and septic system inspections (Senate Bill No. 45).

Phosphorus in lawn fertilizers has long been known to be a significant source of phosphorus pollution to lakes and streams. Recognizing this problem, many communities across Michigan have adopted ordinances that regulate the use of phosphorus lawn fertilizers. In addition, several states including Minnesota, Maine, Wisconsin, and Florida have enacted state-wide phosphorus fertilizer regulations. These regulations generally exempt agricultural phosphorus fertilizer applications and phosphorus fertilizer applications on newly-established lawns.



Interaction of stormwater problems

The regulations also generally require soil testing as a prerequisite to phosphorus fertilizer applications on established lawns. A similar state-wide approach for Michigan makes good sense.

Much of rural Michigan is served by on-site septic systems, and it is estimated that 50% of new housing development will rely on on-site wastewater treatment (Public Sector Consultants Inc. 2007). Surprisingly, Michigan is the only state in the Midwest that does not have uniform, state-wide sanitary code requirements. While some county codes require septic system inspections at the time property is sold, many counties do not have inspection requirements. Pending legislation would require periodic inspections to help ensure septic systems meet code and set the stage for the development of uniform state-wide standards for on-site wastewater systems.

While Michigan has many good and effective environmental laws on the books, additional state-wide standards for phosphorus fertilizer and septic systems would be a cost-effective way to address two important environmental issues. Both of these proposed pieces of legislation deserve careful consideration and passage.

Local

Many counties and townships are considering or have incorporated Low Impact Development (LID) strategies into their planning and zoning policies. LID is an approach to land development that uses various planning and design practices that protect natural resources and reduce infrastructure costs. This is generally accomplished by controlling stormwater at the source by preserving natural site features that perform stormwater functions, by reducing impervious surfaces, and by directing stormwater discharges to open grass areas, swales and bioretention facilities such as rain gardens. Potential impacts associated with LID include reduced land clearing and grading costs, reduced infrastructure costs, increased lot yields, and increased lot marketability. A properly designed LID can be a “win” for the developer, the community, and the environment.

In many communities, stormwater regulations are enacted through the office of the county drain commissioner. However, the state’s drain code is designed primarily to address drainage and flooding issues. While drain commissioners often

(Continued on page 10)

play an important role in stormwater management, the role local governments can play in developing LID design and review standards through zoning authority cannot be overstated.

Effective watershed management presents many challenges. Michigan's "home-rule" approach to land use policy and regulation allows considerable flexibility and innovation at the local level. However, while there are many tools available to address watershed management issues, there is often no organizational or financing mechanism in place to incentivize watershed planning and management at the local level. This represents both a challenge and an opportunity for local units of government to work together to more effectively marshal forces on a watershed-basis to protect our lakes and streams. Given the inherent value of Michigan's water resources, coordinated watershed management will prove a solid, long term investment.

On the Web

For More Information, visit:

Low Impact Development

- www.lowimpactdevelopment.org
- www.raingardens.org
- www.stormwatercenter.net

Michigan's Nonpoint Source Program

- www.michigan.gov/deqnps

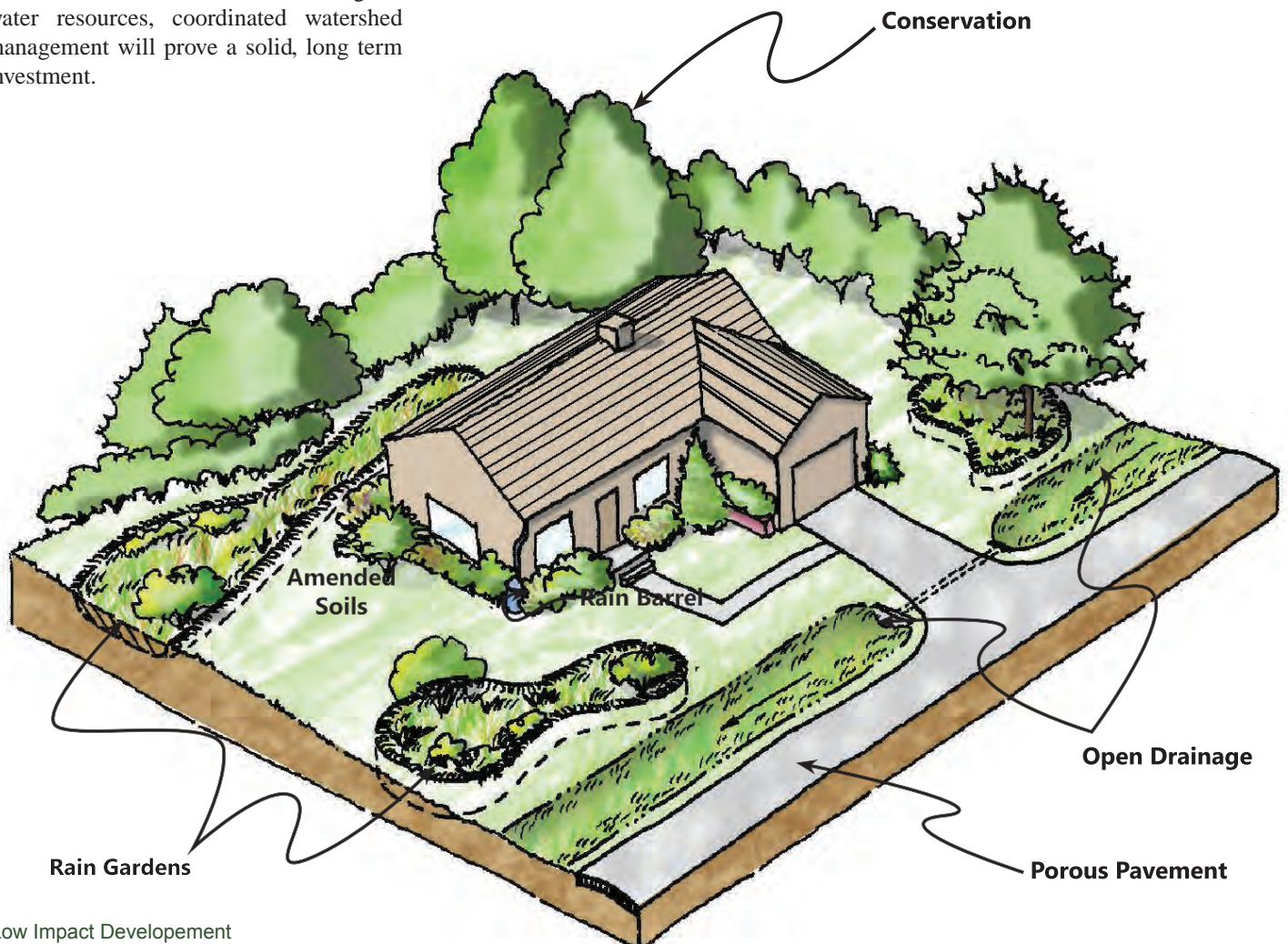
REFERENCES

Public Sector Consultants Inc. 2007. Phosphorus Policy Advisory Committee Final Report.

Schueler, T.R. and H. K. Holland 2000. The Practice of Watershed Management. Article 1 - The Importance of Imperviousness.

Tourbier, J.T. 1994. Open Space Through Stormwater Management: Helping to Structure Growth on the Urban Fringe. Journal of Soil and Water Conservation.


Tourbier J.T. and R. Westmacott. 1981 Water Resources Protection Technology: A Handbook of Measures to Protect Water Resources in Land Development. The Urban Land Institute, Washington, D.C.



Low Impact Development

progressive|ae
The Leader in Lake Management

Experience is the Difference



1811 4 Mile Road, NE Grand Rapids, MI 49525-2442
tel.: 800-556-5560 fax: 616-361-1493
www.progressiveae.com www.michiganlakeinfo.com



MICHIGAN HYDRAULIC DREDGING, INC.
9100 LAKE COURT, CHEBOYGAN, MI. 49721

Dredging Michigan Lakes and Streams since 1950

**Very Portable: 8" Mudcat and 8" & 12" Cutterhead
dredges... pumping capability of 2 1/2 miles.**

For more photos go to our web site @
www.michhydraulicdredging.com

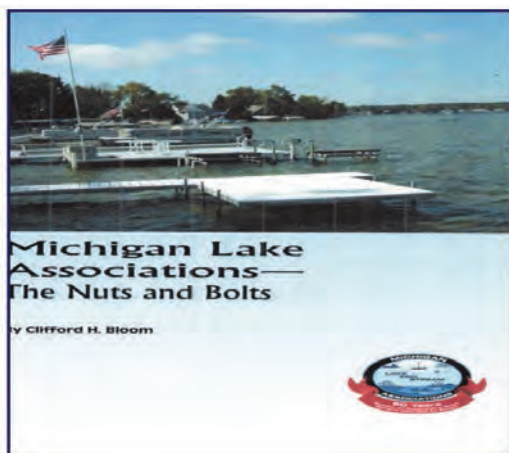
Email..mhd@nmo.net.....phone: (231) 625-2667

**MICHIGAN LAKE ASSOCIATIONS:
*The Nuts and Bolts***

by Clifford H. Bloom

The most comprehensive guide ever written
about Michigan lake associations!

AVAILABLE NOW • AN MLSA PUBLICATION

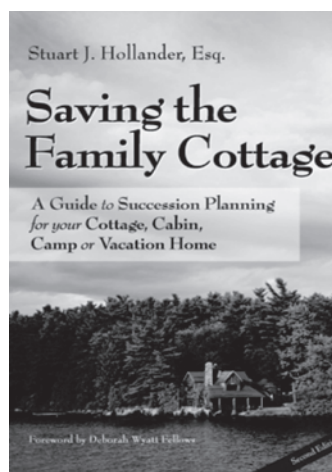


Order forms available at www.mlsa.org
MLSA office number 989.831.5100
or e-mail swagner@mlswa.org

**Getting ready for
another cottage
season?**

Add this to your list of
to-dos: read the book and
help your family make a
decision about the future of
the cottage.

Saving the Family Cottage
offers the solutions you
need to help pass it on to
the next generation.



The book is available at local bookstores
and on the web at www.cottagelaw.com.

Attorney David Fry, editor and successor to the late
Stuart J. Hollander's cottage law practice, is available to
assist you with your cottage succession planning needs.

You may reach him by calling (616) 866-9593, or by e-mail,
david@cottagelaw.com.

MICHIGAN LAKE & STREAM ASSOCIATIONS, INC.

MLSA NEWSLETTER



Michigan Lake & Stream Associations, Inc.
304 East Main Street
Stanton, MI 48888
PHONE 989-831-5100

E-MAIL info@mlswa.org, sbrown@mlswa.org
WEB SITES www.mlswa.org, www.mi-water.cmp.org
William Scott Brown, EXECUTIVE DIRECTOR

OFFICERS

PRESIDENT—SONDRA (SUE) VOMISH
52513 Twin Lakeshore Drive, Dowagiac, MI 49047
PHONE 269-782-3319 E-MAIL vomish@netzero.net
VICE PRESIDENT—ED HIGHFIELD
16281 Pretty Lake Dr., Mecosta, MI 49332
PHONE 231-972-2190 E-MAIL edhelenhighfield@centurytel.net
SECRETARY—NANCY BECKWITH
264 Paris SE, Grand Rapids, MI 49503
PHONE 616-459-6536 E-MAIL lbeckwi@sbcglobal.net
TREASURER—ROGER CAREY
P.O. Box 57, Lake George, MI 48633
PHONE 989-588-9538/E-MAIL mcarey55@charter.net

REGIONAL REPRESENTATIVES

REGION 1—VACANT
REGION 2—WILLIAM SCOTT BROWN
11250 Riethmiller Rd.
Grass Lake, MI 49240
PHONE 517-914-1684 E-MAIL sbrown@mlswa.org
REGION 3—SONDRA (SUE) VOMISH
52513 Twin Lakeshore Drive, Dowagiac, MI 49047
PHONE 269-782-3319 E-MAIL vomish@netzero.net
REGION 4—JENNIFER MEDEMA
7549 Ravine Dr. NE
Belding, MI 48809
PHONE 616-691-7057 E-MAIL medemaj1@comcast.net
REGION 5—VIRGINIA HIMICH
1125 Sunrise Park Dr.
Howell, MI 48843
PHONE 517-548-2194 E-MAIL himichv@michigan.gov
REGION 6—RON COUSINEAU
1875 Long Pointe Drive, Bloomfield Hills, MI 48032
PHONE 248-335-8353 E-MAIL rjcousineau@aol.com
REGION 7—JOHN HOOD
5913 Shirley Ann Dr.
Harrison, MI 48625
PHONE 248-760-0853 E-MAIL jmh371@juno.com
REGION 8—ED HIGHFIELD
16281 Pretty Lake Dr.
Mecosta, MI 49332
PHONE 231-972-2190 E-MAIL edhelenhighfield@centurytel.net
REGION 9—DICK MIKULA
4207 Knoll Circle
Lansing, MI 48917
PHONE 517-321-8607 E-MAIL dickmik@aol.com
REGION 10 AND REGION 11—CECILE KORTIER
18200 Valerie Dr.
Hillman, MI 49746
PHONE & FAX 989-742-3104
REGIONS 12, 13 & 14—VACANT
REGION 15—ARNY DOMANUS
N 4176 Kari-Brooke Lane, Watersmeet, MI 49969
PHONE 906-358-9912 E-MAIL arnyjdjr@gmail.com
BOARD MEMBER AT-LARGE
Richard Morey, V.P. Coordinator
50230 E. Lake Shore Dr., Dowagiac, MI 49047
PHONE 269-424-5863 E-MAIL rdm@sisterlakescable.com

NEWSLETTER EDITOR

Sharon Wagner
304 E. Main St., Stanton, MI 48888
PHONE 989-831-5100 E-MAIL swagner@mlswa.org

EDITORIAL

"If You Can't Beat'em, You Eat'em !"

A Market Solution to the Asian Carp Problem?

While state governments throughout the Great Lakes region continue to seek federal court and/or legislative solutions to the seemingly imminent Asian carp invasion, resourceful commercial fisherman in Illinois have recently signed lucrative contracts with China to export thirty million pounds of the pesky (though tasty) filter feeding fish in the next year. The agreement with Chinese importers promises to generate \$20 million in revenue for commercial fishing operators.

The Bighead and Silver Asian carp species are prized in China and throughout Asia. China's domestic fishery is unable to meet the high demand due to severely impaired riverine aquatic ecosystems that produce low quality fish not suitable for the marketplace or consumption.

Many fish markets throughout the Midwest region are also selling the meaty carp at a whole fish price of three dollars per pound. Domestic retailers are yet uncertain as to whether the Asian carp will gain wide acceptance among more discerning consumers in the United States.

While fisheries scientists are convinced that the newly found export market for Asian carp will help diminish overall populations of the two species, they do not believe that commercial exploitation will provide a viable long-term solution to the considerable threat posed by the fish.

By Scott Brown
MLSA Executive Director



MLSA MASTER'S JACKET AWARD

By Roger Carey MLSA Treasurer

The recipient of the prestigious Master's Jacket is awarded annually for outstanding service to Michigan Lake and Stream Associations and is chosen by a committee composed of those who have previously received the honor. The selection is revealed at the annual banquet at the MLSA Conference.

This year's award is given to Scott Brown, Michigan Lake & Stream Associations Executive Director. When Don Winne was approaching retirement from MLSA, he enlisted Scott to walk alongside him as Don shared his vision for the future of the organization.

Since taking over the position, Scott has done an incredible job. His dedication to Michigan riparians, his energy, experience and commitment are greatly appreciated. Congratulations, Scott!

MICHIGAN LAKE & STREAM ASSOCIATIONS, INC.

MLSA NEWSLETTER



EPA Aquatic Herbicide Mandate Moves Forward

New NPDES Permit Program to Begin in Spring 2011

The EPA has established an April 9, 2011 date for the implementation of the new National Pollutant Discharge Elimination System (NPDES) General Permit mandate. The new General Permit will be required in addition to existing MDNRE permit requirements for aquatic herbicide applications in Michigan.

The Michigan Department of Natural Resources and Environment typically issues over 2,000 permits annually to lake management or aquatic herbicide application companies who enter contracts

with townships or lake improvement boards that provide local funding to aquatic invasive or nuisance plant control projects on Michigan inland lakes.

The proposed new U.S. EPA NPDES General Permit mandate is opposed by Michigan's aquatic plant management industry. According to Joe Bondra, legislative liaison for the Michigan Aquatic Managers Association, "the creation of another layer to the already comprehensive permitting process already in place in Michigan will do nothing more to protect the public health or the aquatic resources of the State. Furthermore, we are greatly concerned that the regulatory burden imposed would only serve to increase costs for lake associations, lake boards and

other riparian's attempting to protect or improve aquatic resources..."

Recognizing that the U.S. EPA's action was United States Sixth Circuit Court of Appeals mandated and will likely move forward in its current form, Bondra says his organization is working with the MDNRE ANS Office to help minimize the potentially negative impacts of the new EPA mandate on his industry as well as on local governments and lake associations working to control aquatic invasive plants on inland lakes throughout Michigan.

By Scott Brown
MLSA Executive Director

Michigan's Lakes - Ours to Protect!



Cooperative Lakes Monitoring Program

ENROLL NOW

Contact Jean Roth, MLSA Program Administrator
at

989-257-3715 or e-mail jroth@mlswa.org

or Enroll On-Line at

www.micorps.net

Michigan Lake & Stream Associations

50th Annual Conference

Your Participation Will Help
Make This a Special Event...

April 15 & 16, 2011

Boyne Mountain Resort
Boyne Falls, Michigan



Save the Dates !

For more info, visit

www.mlswa.org

Lake Property Tax Assessments— to Appeal or Not?

By Clifford H. Bloom, Esq.

Law Weathers

800 Bridgewater Place

333 Bridge Street, N.W.

Grand Rapids, Michigan 49504-5320

In Michigan, annual property taxes for land (and any dwellings or certain other improvements thereon) are based on a formula. The millage rate is the percentage formula applied by the local taxing authority. One unit of millage is often referred to as a “mill.” Millage rates vary dramatically, depending upon the unit of government involved. Cities tend to have the highest millage rates (due to the significant number of services provided), while townships usually have the lowest millage rates (due to typically limited services). Village millages often are in between. The local unit of government (a city, township, or village) collects not only the property taxes based upon its own millage rates, but also property taxes for other units of government (for example, state, county, school, library, and other applicable units of government).

In order to determine the applicable annual property tax for a given piece of property, the local government tax assessor must first figure out what the property is worth (what it would sell for in a free market, arms-length transaction).

A local municipal tax assessor redetermines the value of each property in the unit of government involved on an annual basis. How is that done? The tax assessor must consider a variety of different factors, including comparable sales, certain state formulas, any on-site improvements, additions or deletions during the prior year, and geographic and economic factors.

In actuality, the local tax assessor must come up with two different property tax valuations or assessments for each property every year. The first annual tax assessment is referred to as the “assessed value.” The assessed value constitutes one-half (50%) of the assessor’s best judgment as to the fair market value of a given piece of property in a particular year. Prior to 1995, the assessed value was

the only valuation tracked by local governments, and it was simply multiplied by the millage rate to obtain the property tax bill. However, in 1994, the voters in Michigan approved Proposal A, which created a new property tax scheme, as well as something called “taxable value.” Generally, in order to determine the annual property tax, the taxable value of a given parcel is multiplied times the millage rate (for example, a city levying a total millage of 20 mills means a rate or multiplier of 2% or \$20.00 of tax for every \$1,000 of property value as assessed) in order to obtain the property tax amount.

Under Proposal A (which is still in effect today), the taxable value of a given property cannot increase by more than 5% or the rate of inflation (whichever is less) on an annual basis. That “cap” is in effect as long as the same property owner owns the land involved, does not add a building or significant improvements to the property, and does not take any action that constitutes a “transfer of ownership” under the Michigan General Property Tax Act. Taxable value is that “capped” or limited annual tax assessment.

Proposal A has effectively created a two-tier property tax valuation/assessment system in Michigan. Waterfront property owners who have owned their riparian property for long periods of time have seen their taxable values grow (and, hence, their property taxes) much more slowly over time than the owners of riparian properties that change ownership frequently. Overall, Proposal A has been a true friend to riparian property owners throughout Michigan as waterfront properties have tended to increase in value over the last decade and a half much more rapidly than nonwaterfront properties.

Every property owner in Michigan receives an annual notification of the change to the property tax assessments for each piece of property owned. That notice lists or “tracks” two different assessments (or property valuations)—“taxable value” and “assessed value.” Remember, the assessed value is the free-floating valuation that supposedly follows market value. Taxable value is the

“capped” valuation that, absent a transfer of ownership or other “triggers,” could not have increased annually by more than 5% or the rate of inflation (whichever was less). Until recently, the assessed value for a given piece of riparian property was significantly higher than the taxable value due to the appreciation of waterfront properties over the years where one landowner is involved.

From 1995 to about 2007, assessed value probably mattered little to most property owners who continued to own their properties after Proposal A. Taxable value was what really mattered, as taxable value was the amount to which the millage rate was applied to obtain the actual property tax owed. Once a property was sold, the taxable value “uncapped” or “popped up” to what the assessed value was at the time of sale (generally 50% of the fair market value). Accordingly, over the past 15 years or so, fewer property owners challenged or appealed annual increases in the assessed value as it was seen as a somewhat meaningless number.

A few property owners did continue to challenge annual assessed value increases, even where their taxable value was considerably less than the assessed value. Why? First, some landowners believed that a high assessed value would potentially scare away purchasers of the property, as it was likely that once the property was sold, the taxable value would “uncap” or “pop up” to the assessed value. However, most prospective purchasers knew that anyway. Second, some property owners simply did not understand the difference between taxable value and assessed value. Finally, some sophisticated property owners foresaw a potential time when property values might fall, and the quicker that assessed value fell below taxable value, the quicker one’s property taxes would decrease. Taxable value never falls (even during years that actual property values fall) until and unless the assessed value falls to the level of the taxable value and decreases further. Once assessed value and taxable value “meet,” taxable value will fall together with assessed value beyond that point. There is effectively a “ratchet down”

effect—when assessed value falls below taxable value, taxable value is decreased down to that valuation and a new “cap” is set.

Something has happened the last few years in Michigan that the drafters of Proposal A did not envision—deflation or decreasing property values on a massive scale.

A lakefront property owner can appeal his/her newly-revised annual property tax assessments, but can only do so once a year, and any such appeal must be pursued exactly as required by law. In general, property taxpayers in Michigan receive three notices per year from the local taxing authority regarding property taxes. Two of those notices are simply property tax bills, which are generally received by the landowner in early December (for the winter property tax bill) and June (for the summer property tax bill). The third annual notice is the notice of assessment, which the property owner typically receives in late February or March. It is that last notice (the property tax assessment adjustment notice) that the landowner must carefully review to determine whether or not to appeal the property tax assessments (valuations) for that tax year. A landowner has a relatively narrow window time period within which to file a formal appeal once the notice of assessment has been received.

Typically, a landowner must make the initial assessment appeal to the local government’s board of review, which meets during March shortly after the new property tax assessment notice has been received. A property owner can either appear in person at the meeting of the local board of review or file a written appeal in a timely fashion before the board of review meets. If the landowner disagrees with the decision by the local board of review, the landowner must promptly file a further written appeal with the Michigan Tax Tribunal.

It should always be remembered that a local board of review (and the Tax Tribunal if a further appeal occurs) has the authority to keep the reassessment as is, decrease the property tax assessment or (and this is what some property owners forget) actually increase the property tax assessment if an error was made.

Property tax assessment appeals may be advantageous to an unusually large number of lakefront property owners at this time. If lakefront property values in your area have

fallen significantly, you may be able to argue that your assessed value has fallen so low that your taxable value should decrease also. Or, even if the local tax assessor has lowered both your assessed value and taxable value, there may be a reasonable argument for further reductions. Remember, once lakefront property values begin to rise again as the economy improves (whenever that might occur in Michigan!), the assessed value and the taxable value will both begin to increase again. Accordingly, it is normally to the benefit of a lakefront property owner to have the taxable value “reset” as low as possible now so that future annual valuation increases will be operating off of a lower reset base.

Why are both taxable value and assessed value linked to one-half of the fair market value? Originally, government officials decided that assessed valuation for property tax purposes would be set at one half of the fair market value as a way of tricking property owners into thinking that their property taxes are less. In actuality, it would have been just as easy to apply one half of the applicable millage rates to a true market valuation (rather than one half thereof). When the property tax system was set up in Michigan, government officials appar-

ently thought that property owners would pay more attention to their assessed valuations (as set at one half of the value) than the millage rates and somehow believe they are getting a “better deal” regarding property taxes. However, time has proven that property owners are not that naïve.

The property tax assessment and collection process in Michigan appears to have been calculated to place most of the burden and criticism on local officials, while letting other governmental units “off the hook.” In Michigan, it is the local unit of government (city, village or township) and its tax assessor which sets property valuations, applies the millages for all of the taxing units of government, sends out the tax bill (which includes not only the taxes from that local unit of government but also for other units of government such as school districts, counties, the state, libraries, etc.), collects the taxes, and defends the assessments if appealed. Local government must bear the expenses of performing those functions, while receiving little reimbursement for collecting taxes for the other units of government. Thus, while the local unit of government is collecting for all units of government, it also takes most of the criticism for property tax collection.

THE ANNUAL MICHIGAN TOWNSHIPS ASSOCIATION CONVENTION

JANUARY 26 THROUGH 28, 2011 – GRAND RAPIDS

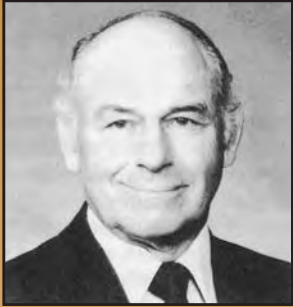
As most riparians know, township governments can have a huge impact on local lake, stream, watershed and other local issues. The quality and content of the local township zoning ordinances, other ordinances and master plan can help protect lakes and local water resources.

The annual Michigan Townships Association (MTA) Convention for 2011 (the 58th Annual MTA Annual Conference & Expo) will be held in Grand Rapids at the DeVos Place January 26 - 28. Although this event is targeted to address the needs of township officials, nonmembers may also attend one or more days of the Conference.

For more details, visit www.michigantownships.org or call the MTA Education Center at (517) 321-6467. Many of the sessions and seminars at the convention will be of interest to riparians. Cliff Bloom will be teaching a seminar on water law and township government regulation of lakes, streams and water resources on Wednesday, January 26, beginning at 3:45 p.m.

Remembering Donald E. Winne

Don's Thoughts About His Lake



His love for Michigan water resources started right at home. Don Winne in his own words taken from the Michigan Riparian May 2009 issue. "There are many reasons why I love Corey Lake. It has a plentiful supply of fish such as perch, bluegill, crappie, large and smallmouth bass, stocked rainbow trout and wall-

eye. Sailing is a popular boating activity which takes advantage of the predominant westerly winds.

Another attraction of the area are the wild birds that nest and raise their young near the lake. Birds seen frequently are robins, flickers, orioles, wrens, swallows, finches, hummingbirds, woodpeckers, and others that are seen year-around, including cardinals and blue jays.

One of the accomplishments of the Corey Lake Association in 1974 was to convince the Circuit Court Judge to set a new and higher (7 inches) lake level for Corey Lake. It is now 874 feet above sea level, and has not been changed for 33 years. I served as President of the Corey Lake Improvement Association during these years.

Another reason I love Corey Lake is the cooperative attitude of the residents in promoting what is good for the lake. As an example, Ralph Vogel has been taking Secchi disk measurements (which measure water clarity) since 1974 – 34 years. Finally, I love Corey Lake because I enjoy being able to look out my front windows and absorb the beauty and tranquility of the lake."

The thing that impressed me most about Don is that he was a gentleman at all times. He never had a bad word to say about anyone and he valued everyone's opinion. He was always looking at what was best for the lakes and waterways in Michigan and gave everything he could to protect them until he physically could no longer do it.

Ed Highfield
MLSA Regional 8 Representative

A Tribute to Don Winne

By Clifford H. Bloom

By now, most friends of Don Winne are aware that Don passed away this past August. The last annual convention for the Michigan Lake & Stream Associations which Don attended was at Houghton Lake in April of 2009. At that convention, I had the distinct honor of presenting both Don and Pearl Bonnell with lifetime achievement awards for their beloved organization, the Michigan Lake & Stream Associations. At that time, I introduced Don to the audience with the following remarks:

"Before meeting Don in the early 1990s, I had, of course, read *The Michigan Riparian* for many years and always saw Don's smiling picture just inside the magazine. In fact, unlike my picture in *The Michigan Riparian*, despite the years, Don still looks quite a bit like his picture from a decade or two ago!

The first contact I had with Don was when I received an advance copy of the Michigan Supreme Court's decision in *Square Lake Hills Condo Assn v Bloomfield Twp*, which dealt with an ordinance regulating docks and boats. That case was a significant victory for riparians. I called Don to ask if he had heard about or seen the court decision yet and he said he had not. I faxed him a copy. We talked about the legal and practical implications of the court decision, and thus began our friendship.

Don also reminds me of my grandfather—honest, enthusiastic, a great lover of Michigan outdoors, tireless work ethic, a leader and a teacher. He was someone who can be as enthused about lakes, the law, and the outdoors as I am.

Don's enthusiasm is infectious. He always has time for you. I am convinced that Don's secret to longevity is based both on his enthusiasm and zest for life, as well as his continued curiosity and drive to learn and accomplish more.

Don is, of course, Mr. Riparian. No one in the state of Michigan is as associated with or well-known regarding lakes and streams as Don Winne.

Don and Pearl make quite a team. It is difficult to imagine that MLSA would be the organization it has become without them.

Don—thank you for your 35 years of splendid service as Executive Director of MLSA and as Publisher of *The Michigan Riparian* magazine."

Don will be greatly missed, not only by me, his family and close friends, but by riparians throughout Michigan.

Over Three Decades of Protecting Michigan's Water Resources

I first met Don some 30 years ago. His knowledge and love of lakes was evident from the beginning. His passion for wisely managing Michigan's lakes and streams was an inspiration to us all. I remember a phone conversation with Don a few years back. It was spring and he was looking out his window at fisherman plying the shallows for sunfish. He told me with excitement what he was seeing. I did not need to be there to see the glint in his eyes.

Tony Groves
Water Resources Practice Leader, Progressive AE

Reflections

The following are some excerpts from the reflections that Pearl Bonnell, former Director of Operations for MLSA, shared with us about her good friend, Don Winne.

Don Winne and I began working together in 1986 when he asked me to fill the role of treasurer for Michigan Lake and Stream Associations. Starting in 1970 when Don was elected as Vice President for Corey Lake Improvement Association and then as president in 1972, he was on the move to preserve Michigan waterways. Before long, he was serving as a member of the board of directors of The Michigan Riparian and became the editor and publisher.

Don wrote many of the articles, gathered copy, designed the layout and got the magazine ready for mailing all out of his home office in his basement. Years later as MLSA grew, he moved the office to Three Rivers.

Driving thousands of miles each year, Don and I reached out to lake association members to gain MLSA corporate, association and individual memberships. At that time, there was only one lake in the Upper Peninsula that was an MLSA member. Investing time to meet with and listen to various association members and individuals, Don and I successfully grew the organization to about 350 lakes and thousands of MLSA members throughout the Upper and Lower Peninsula.

Don spent a great deal of time meeting with key players who worked to preserve Michigan's waters. Because Don invested time with people who are like-minded about preserving Michigan's waterways, some valuable partnerships were formed. Today MLSA benefits from the formation of Starting A Lake Leadership Training, Michigan Waterfront Alliance Corporation, and the Corporation Water Quality programs, among others.

Don worked without let up to achieve his goal of preserving our precious water resources. I am proud to have worked with him and to know that his efforts made a difference.



Don's home on Corey Lake for more than 45 years.



Cliff Bloom presenting award to Don Winne at 2009 MLSA Conference.



Don Winne facilitating a session at MLSA Conference 2007



Don Winne at MLSA conference in Houghton Lake recognized for his contributions to MLSA 2009



Pictured from left to right: Jeff Kalember (teacher at Gaylord HS) Don, Amy Porter (president of IAP foundation) Pearl Bonnell, and Randy Cook (director of Watershed Monitoring of Lakes and Streams Project). This project partnered local schools with members of MLSA.



In this picture Don Winne with Mark Simons (principal of Tri County Schools) meeting at Paw Paw Lake. Don traveled across the state with Randy Cook to join high schools for kick-off to water testing project.

Dedication to Don Winne

At our MLSA conference in Houghton Lake two years ago, I happened to be walking down the hall with Don. He was a little unsteady on his feet, so I offered to help him. He said no thanks - he was fine, just a little unsteady. As we walked, we talked a little about nothing in general.

This was what I admired about Don. He was one of the smartest people I know, and yet he would just chat with you and never make you feel less about yourself. In all the years I knew him, I never saw him treat anyone with anything less than respect and dignity. The world is a much better place because Don Winne was in it.

Roger Carey
MLSA & Michigan Riparian Treasurer

Lifelong Educator and Passionate Advocate for Michigan's Water Resources

Scott Brown, MLSA Executive Director

"Oh so lucky to be alive and passionate about so much..." - Don Winne

Don Winne knew he was a lucky man. He had inherited a keen interest in science, politics and people from his mom and dad and had developed a passion for Michigan's great outdoors while fishing and swimming in the bountiful lakes, rivers and streams found near his boyhood home in western Allegan County. Following a long and productive life of parlaying his encyclopedic interests into two highly successful careers that spanned seven decades as a caring educator and then as a passionate advocate for the conservation of Michigan's freshwater resources, we are sad to report that our good friend and colleague Don Winne passed away on Tuesday, August 3, 2010 at the age of 92.

In every respect, Donald E. Winne lived a life worth living.

He lived a long and full life of commitment to his loving wife and kids, to the students he had the honor of mentoring as a public school educator and administrator and then to the people and issues he cared most about during his nearly forty year career as Executive Director of the Michigan Lake and Stream Associations and as Publisher of The Michigan Riparian Magazine.

Don cherished the many great friendships he had cultivated over the years, though few were as special as the deep and abiding relationship he enjoyed with Pearl and Bruce Bonnell. Pearl, Bruce and Don enjoyed the inseparable ties that are born of devotion and commitment to a special cause - that of laying the foundations of organizations dedicated to preserving Michigan's treasure of inland waters. This energetic trio devoted countless hours and drove hundreds of thousands of miles supporting our membership and encouraging Michigan citizens to get involved in protecting inland lakes and streams for future generations. Their energy, their enthusiasm and their commitment will long serve as an inspiration to us all.

The entire Michigan Lake and Stream Associations family extends its heart-felt condolences to Don's family - his significant contributions to Michigan Lake and Stream Associations, the Michigan Lakes and Streams Foundation and The Michigan Riparian Magazine will be long remembered and cherished.

Remembering Don Winne

Paul Clark, Past MLSA President

We moved into our new house on Emerald Lake, a man-made lake in Troy, Michigan, August, 1971. The weeds were so thick my two sons and I, using masks and fins, cleared a 20' x 20' swimming area by pulling weeds up by their roots. Realizing this was not very practical, I started calling various sources to learn if there was a better way to treat not only my swimming area, but rather the entire shoreline. This search led to the Michigan Lakes & Streams Associations, and, of course, to Don Winne and the Michigan Riparian.

Upon meeting Don and experiencing his helpful manner, I quickly realized that Don was a very special person with a passion for all things associated with Michigan's lakes and streams. Since I was in my early 30's at the time, knowing nothing about how to control lake weeds, and Don was a recently retired school principal, I soon learned that Don had a wealth of knowledge about many things, including aquatic and riparian matters.

I remember Don's warm smile, the twinkle in his eyes, and his firm handshake. He had a way of making me feel welcome whenever we met. Because of his recommendations, Emerald Lakes Village did get their weeds under control; and because of Don's encouragement, I was elected to serve on the MLSA Board, and later served as president from 1977 through 1979.

Don had a clear vision for the lakes and streams of our state, the quality of which we would not be enjoying today if it were not for his influence, direction, and leadership. He left his mark, not so much a footprint on the ground, but rather a ripple on the waters of Michigan that will radiate outward forever with the continuance of what he founded—the Michigan Lake & Stream Associations and The Michigan Riparian.

Memories of Don

Amy and Karen Domanus - Region 15 Representative - Watersmeet MI.

We met Don several years ago when I first got involved with MLSA. We were trying to make people aware of the great pristine area and lakes we were so fortunate to have in the UP and our need for protecting them. Karen and I held a couple of spring informal meetings at our home with lake residents. We tried to make them aware of the benefits of membership in MLSA and how the organization would help us meet our goals.

Pearl, Bruce and Don attended the meetings, and we always had them come early to discuss MLSA during lunch at our home. Don always liked to walk out on our pier, as he was amazed at our small bluegills that waited for me to feed them small pieces of bread - my pet fish! He took a picture of a small fawn resting beside our house as "mom" went foraging for food. We still have the picture hanging on our wall and think of Don every time we look at it.

In the following years Karen and I held our MLSA Fall Seminars in Iron River, Michigan and looked forward to having Pearl, Don and Bruce attending and enjoying our UP. We referred to them as "trolls" from "under the bridge."

Don was always "sharp" rattling off house bills, numbers and remembering all past legislation as if it took place yesterday. He helped us on several occasions with questions we had and provided documents and studies concerning various lakes in the UP. Don will be missed and always remembered for his friendly smile and positive attitude.



Don Winne, doing what he loved to do most.

Michigan Waterfront Alliance

A unified voice to protect Michigan's Lakes and Streams.



Members Receive: Protection of their Riparian Rights by professional lobbyists in Lansing * MWA Newsletters sent by 1st class mail * Lobbyist Reports * Testimony at important legislative hearings on behalf of Riparians * Email Action Alerts * Amicus Briefs and much much more.

Waterfront owners are the final defense of their Lakes and Streams.

The MWA is the waterfront voice in Michigan Politics

Annual dues for individual membership in the Michigan Waterfront Alliance are \$50.00 per year. Dues for Lake or Stream Associations are \$100 per year. Commercial and individual donations are needed and appreciated.

Name _____ Date _____

Street _____

City _____ State _____ Zip _____

County _____ Phone _____

Email address _____

Township _____ Lake/Stream Association _____

☐ Individual Membership \$50

☐ Lake or Stream association \$100

☐ Donation \$ _____

Make checks Payable to Michigan Waterfront Alliance

Send Dues and Contributions to: Michigan Waterfront Alliance, PO Box 369, Fenton MI 48430

☐ I am not ready to join yet. Please send me more information.



KILL LAKE WEEDS

Proven AQUACIDE PELLETS
Marble size pellets. Work at any depth.
Spread it and forget it!"

New Re-sealable bag!

Before



After



10 lb. bag treats up to 4,000 sq.ft. \$77.50. 50 lb. carton treats up to 20,000 sq.ft. \$299.00.

FREE SHIPPING!

Certified and approved for use by state agencies. State permit may be required. Registered with the Federal E.P.A.

800-328-9350

www.KillLakeWeeds.com/591

Write for FREE information:





AQUACIDE CO.

Our 55th year
PO Box 10748, DEPT. 591, White Bear Lake, MN 55110-0748

Water Resources Specialists
since 1944



Bathymetric Surveying

Dredging Project Engineering

Watershed Management

Sanitary Sewer Systems

Dam Safety Inspections & Design

Lake Level Management



ENGINEERS SURVEYORS PLANNERS

(877) 774-2375

www.spicergroup.com

ARE YOU BEING FORCED TO BUY FLOOD INSURANCE? YOU HAVE OPTIONS!

The Federal Emergency Management Agency (FEMA) has been working on a new set of Flood Insurance Rate Maps (FIRM's) which have either changed, or soon will change, flood insurance requirements. All Michigan residents living on or near water should be aware that these changes and revisions to the flood insurance requirements are happening statewide. Due to tougher regulations and the slated revision of FIRM maps in over 70 counties, many Michigan homeowners are now, or soon will be, required by their lender to obtain flood insurance.

Any home secured by a mortgage is subject to the imposition of a flood insurance requirement. If the home or structure is determined to be in an unfavorable flood zone, by law, the owner must obtain Flood Insurance. Lenders are not qualified to evaluate flood risk, and their attempts to make flood determinations for insurance purposes can lead to a high rate of inaccuracy. A licensed professional land surveyor can remedy these inaccuracies. The requirement for flood insurance is based on elevation, and the surveyor can determine if the structure is above or below the high risk flood zone. If, in fact, the home is above the high risk flood zone, the requirement for flood insurance can be eliminated. Additionally, the homeowner may be entitled to a refund of flood insurance premiums which were paid unnecessarily.

Many people are confused and frustrated when they receive a notice from their lender that they must obtain flood insurance. The notice will state that the homeowner has 45 days to obtain flood insurance on the home, after which time the insurance will be automatically imposed and the homeowner will be charged. Community officials, lenders, insurance agents and many other professionals dealing with flood zone issues in Michigan are unable to accurately advise a homeowner as to the available options to set aside the flood insurance requirement. Homeowners who received such a notice from their lender need to be aware that they do have options to paying these high flood insurance premiums. Flood insurance costs can be considerable, and can be a great hardship to many homeowners during these troubling economic times.

Often, a home will appear to be in a high risk flood zone when it is actually elevated above the flood zone. A licensed professional land surveyor can remedy these flood determination inaccuracies. It has been reported by some surveyors that, in 90% of the cases, they can entirely eliminate the requirement for flood insurance. A qualified surveyor will perform extensive flood risk analysis, examine all relevant data, and, if applicable, obtain a Letter of Map Amendment (LOMA) for the property owner which corrects the flood determination.

A LOMA is an official document which revises a FEMA flood map and may eliminate the requirement for flood insurance. The savings resulting from the elimination of flood insurance can be substantial, depending on the value of the structure. Insurance rates vary greatly, but one can expect to pay \$300-\$3,000 per year for flood insurance. Eliminating flood insurance could save a homeowner \$9,000-\$90,000 over the course of a 30-year mortgage. Additionally, once the LOMA has issued and the lender has lifted the requirement for Flood Insurance, the homeowner is entitled, by law, to a full refund of the current policy year's flood insurance premium.

The time it takes for FEMA to process a LOMA has been an ongoing problem. The

lender will only grant the homeowner 45 days, but once the documentation is submitted, processing by FEMA may take up to 60 days. In certain circumstances, FEMA is now allowing a surveyor to process LOMA documents electronically. An electronic LOMA can be completed in a matter of just a few days, eliminating the time problem.

Michigan homeowners need to educate themselves and need to question their lenders concerning flood zone issues. Your lender telling you that you have to purchase flood insurance does not necessarily mean that you have no other option. Empowered with knowledge and determination, many homeowners can permanently exempt their properties from unnecessary flood insurance requirements.

About the author:

Karol L. Grove is a Professional Land Surveyor in Michigan and is an expert in the area of flood zones. She has joined forces with David P. Smith and Joe Kapalzak to form Flood Zone Specialists. The three have over 100 years of combined licensure experience. David and Joe have both successfully completed the Certified Flood Plain Managers program offered by FEMA. Together Flood Zone Specialists travel throughout Michigan to assist homeowners in assessing and removing flood insurance requirements.

REMINDER TO VOTE NOVEMBER 2nd

Remember to ask your candidates about their views on environmental stewardship and inland lakes, streams and rivers. How important is it to them to protect Michigan's water resources. Then vote!

Michigan Lakes and Stream Association Participates in Montcalm County Conservation District Fall Tour

Jen Medema, Region 4 Representative
Jean Roth, MLSA/Cooperative Lakes
Monitoring Program

On September 15, 2010, we welcomed 37 people under the pavilion at Crystal Lake Township to take part in a non-point source pollution demonstration using the 3D EnviroScape model. Our behind-the-scenes guy was Jim Roth, who did the heavy lifting and took pictures (Thanks, Jim!).

It was a perfect late summer morning with a cool, slight breeze when we greeted the group and provided a brief introduction to MLSA, its programs, partners and initiatives. Linking the topics of water quality monitoring, pollution prevention and awareness, the EnviroScape model was introduced as an educational tool to create understanding of how pollutants can enter our local streams, rivers and lakes.

Next, Jean engaged the group with her demonstration of the EnviroScape model on loan from the Gaylord DNRE office. Small enough to fit on a cardboard table but with plenty of room to get up close, it was a colorful village setting with homes, roads, businesses, farms and factories all placed within a watershed. To begin, Jean provided a quick lesson on watershed boundaries using Crystal Lake as an example. The group learned that the waters that flow through the township eventually make their way into the Flat and Grand Rivers and ultimately, Lake Michigan. From there she demonstrated how easily the by-products of our industrialized society~ pesticides, fertilizers, grease, oil, sediment and wastewater can in-



EnviroScape Model Demonstration on Crystal Lake

filtrate surface waters. Next, answering her call for a volunteer, one young man stepped up to apply "pollutants" (it may have been chocolate sludge and colored water) to various locations on the model. Then he made it rain on the village, using a squirt bottle. As more people from the group crowded in, more squirt bottles were handed out to make it rain really hard. Then the colored sludge started to flow from where it was applied and spread out over the landscape, eventually filling in the stream and lake with dirty water.

As expected from a Conservation District tour group, the discussion flowed naturally to best management practices~ using filter strips near stream banks, keeping livestock out of the streams, educating homeowners

about phosphorous fertilizers and maintaining natural shorelines, all of which can keep toxic substances out of our water. I suppose one could say we learned it takes a village working together to prevent non-point source pollution.

Too soon our segment of the tour ended; and, on their way out, people picked up copies of *The Michigan Riparian* and other educational handouts from MLSA that we made available. We are grateful to Dixie Ward from MSU Extension Office and Judy Cloer at the Conservation District who thought to include Michigan Lake and Stream Associations on their tour and to Sharon Wagner for accepting the offer and making it work.



Logs of the Past –Threat to Boaters Today

From the Pentwater Lake Association
Newsletter
July 2010

By Joe Primozich

Boating still requires alertness at all times. One of the reasons for this is a chance of logging era remnants resurfacing and floating into the lake. Logs submerged in the mud or at the shoreline can be water logged and become floating debris, worthy enough to put a hole in a boat or take a lower unit out on a motor. When water levels change, currents are created that loosen these logs and set them afloat. During the third week of May, two logs floated into the docking

area by the Boathouse. Just a foot or less of each log was visible above the surface, with the remainder of the water-logged debris a foot or two below the surface.

Four of us decided to remove these logs from the lake. We tied them together and floated them by boat across to the south side road end of the public launch. There we had a trailer submerged at the boat ramp. We floated the logs over the trailer and tied them to the front. Upon pulling the trailer up and out of the water, the logs settled on the trailer and we were able to secure them and take them away.

In talking to County Marine Officer Tim

Simon, we were told that there have been no cases of boating accidents reported to him where boats have hit floating logs. He

said if any logs are noticed they could be reported to him and he will do whatever he can to remove the logs. Charter boat captain Brent Daggett said he had hit a log out in Lake Michigan, which put a hole in his boat and took out the lower unit of his motor. Just a shift in water level and new currents can cause such an event. Logs are still evident upriver from the days when Charles Mears logged and delivered timber by the waterways.



Send us your lake association newsletter or special announcements electronically. We love hearing from your lake. We will continue to use and spread the interesting and informative things happening on your lake in the Michigan Riparian. Please send your lake association newsletter to: swagner@mlswa.org.

WATER RESOURCE MANAGEMENT

- Lake Improvement Feasibility Studies
- Aquatic Plant Surveys
- Water Quality Monitoring & Modeling
- Hydrologic & Lake Level Studies
- Dredging Feasibility Studies
- Algal Sampling and Analysis
- Lake and Pond Sediment & Soils Analysis
- Lake and Pond Fisheries Surveys
- Lake and Pond Plankton and Macroinvertebrate Sampling
- Nutrient Loading Studies
- Watershed Management Plans
- Special Assessment District Assistance
- Grant & Permitting Assistance
- Geographic Information Systems
- Aquatic Ecosystems Experimental Research

LAKESHORE ENVIRONMENTAL, INC.

SCIENTISTS • ENGINEERS • PLANNERS

Grand Haven, Michigan | Hudson, Ohio
(toll) 800-844-5050 | www.lakeshoreenvironmental.com | (fax) 816-844-5053

I REMEMBER

Stories shared from lake association members and individual lake property owners from around the state

By Kathryn Theisen Campbell,
Tri-Lakes Association,
Mecosta, MI



Blue Lake

We spent our first summer at Blue Lake in 1906. My father, Peter Theisen, and Tony Huber had bought a large tract of land on the south side of Blue Lake, extending out to 90th avenue. They built identical cottages on what they thought were the two best lots. One could be a little better than the other, so they tossed a coin, and Tony Huber won.

The cottages had two bedrooms, one large living room, including a kitchen and a small front porch. A trap door in the floor of the living room covered a hole in the sand which was used to keep the beer cold. Both cottages were built exactly alike. We did not stay long that first summer as my mother wanted a kitchen added and the front porch screened. There was a log house not far from our cottage where Mr. Lamb and his family lived.

A few years later, more cottages were built. Next to us Mahlon Carmen of Mecosta built what is now the Fran Fabiano cottage. Next to Mahlon, Enoch Bromley of Mecosta built what is now the Molenoe cottage. A few more cottages were added in the ensuing years. The Child's cottage build what later became the Mansfield cottage and

is now the site of the Bob Kraphol cottage. The original Mansfield cottage burned down.

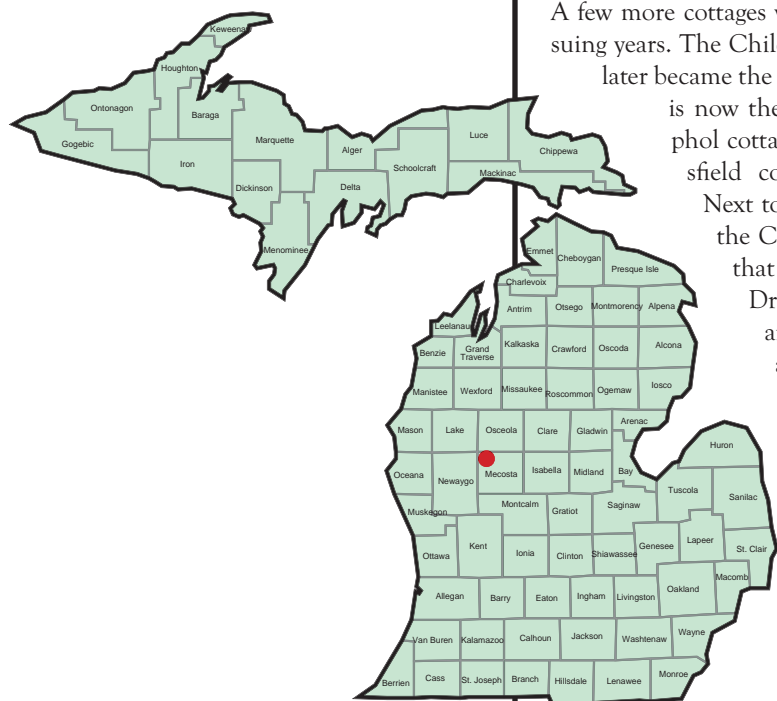
Next to the Mansfield's was the Charles Concol cottage that was later owned by Dr. Shepherd of Remus and Adam Diehm, also of Remus. That was the extent of the building for quite a number of years. These were the only cottages on the lake.

We all shared one water well, hand pumped; and everyone had outside

plumbing. One large area to the east of these cottages was reserved for campers who came all the way from Ohio by train. At this site another well was dug.

We traveled over dirt roads by horse and buggy to get to the lake. A wagon brought our belongings as we now spent all summer at the lake. The cow was tied to the tail of the wagon, and turned loose with a cowbell around its neck so we children could locate bossy and bring her to Mr. Lamb for milking.

At the time I am writing about, there were no cottages on Long Lake, which is now Lake Mecosta. On Round Lake, the Sapp family farmed the land around the lake and to the east. School Section Lake had one home inhabited by the Berry family.



We'd love to hear from you!

In each issue of The Michigan Riparian, we invite subscribers and readers to tell us why they love their lake and to share one or two photographs. If you'd like to feature your lake in a future issue, please write and tell us why you love your lake via email swagner@mlswa.org or mail to: The Michigan Riparian, 304 E. Main Street, Stanton, MI 48888. Please include your name, your lake name, county/ location of your lake and your story. Please make sure photos are jpeg or 300 dpi.



Aqua-Weed Control Inc.

Your Lake and Pond Management Specialists / Family Owned Since 1975

Professional Products & Services to Control Lake Weeds / Algae

- Aquatic Weed and Algae Control
- Water Testing
- Mapping / Consulting Services
- Product Sales



Before



After

As seen on: Rob Trott's
Great Lakes Outdoors Television

Fedex Shipping
Visa/MasterCard Accepted



www.aquaweed.com

248-634-8388

Marine Automated Dock Systems, Inc.



Your Complete Waterfront Design Specialist

Docking

Aluminum, with non-slip weather resistant vinyl decking, designed to be put in or taken out by one person without getting wet. Less time consuming and labor intensive than conventional docks.

Private and Commercial improvements for Lakefront cottages, Homes, Marinas and Developments.

Call Toll Free: 1-866-GET-DOCK

Or (989) 539-9010 Fax (989) 539-9012

2900 Doc Drive, Harrison, Michigan 48625

www.madsdock.com

ROUND LAKE (MASON COUNTY, MICHIGAN): A SUCCESSFUL STORY OF EURASIAN WATERMILFOIL CONTROL

BY: JENNIFER L. JERMALOWICZ-JONES,
WATER RESOURCES DIRECTOR,
LAKESHORE ENVIRONMENTAL, INC.

Introduction

Round Lake is a 571-acre, natural lake in Mason County, Michigan and possesses a shallow mean depth of under 6.0 feet (Figure 1). The lake has a marl and sand bottom and is primarily surrounded by vegetated and forested land, which supports approximately 77 lakefront riparians. In 2004, a lake management company was requested by a Round Lake riparian to conduct an aquatic vegetation survey of the lake due to concerns of a visible nuisance weed bed located near the central portion of the lake. The survey results found approximately 50 acres of the exotic, invasive species, Eurasian Watermilfoil (*Myriophyllum spicatum*) which was capable of infesting the entire lake surface area. The observed exotic milfoil infestation was so dense that boats could not get through that specific area.

Another year passed with no assessment district formed and the majority of the riparians remained unaware of the survey conducted the previous year. In 2006, a group of highly motivated riparians were able to obtain riparian signatures needed to facilitate the formation of the Round Lake Improvement Board and the lake board was formed in October of 2006. A Round Lake Improvement Feasibility Study was then conducted by a local engineering firm and determined that nearly half of the lake sur-

face area was covered by Eurasian Watermilfoil; Figures 2 and 3). Additional water quality analyses of the lake would demonstrate that the lake contained high nutrient levels (approximately $0.071 \mu\text{g L}^{-1}$ of total phosphorus at the lake bottom, mean Secchi transparency of 6.0 feet, low conductivity, and a total alkalinity of 130 mg L^{-1} as CaCO_3).

It was evident that a rigorous management protocol was necessary to prevent the exotic weed from colonization of the entire lake surface area which was essentially an entire littoral zone. The amount of light available to submersed aquatic plants was high enough to allow for abundant growth of even the lowest-growing species. However, as a result of the dense infestation of exotic milfoil, the native aquatic plants that had slower growth rates and grew closer to the lake bottom (i.e., did not canopy) had major limitations for successful growth with reduced space and light resources.

Round Lake Management Methods

Prior to the implementation of any aquatic plant management strategies, a rigorous GPS Point-Intercept survey was conducted on Round Lake to access the presence and relative abundance of all aquatic plant species present. The protocol was developed by the U.S. Army Corps of Engi-

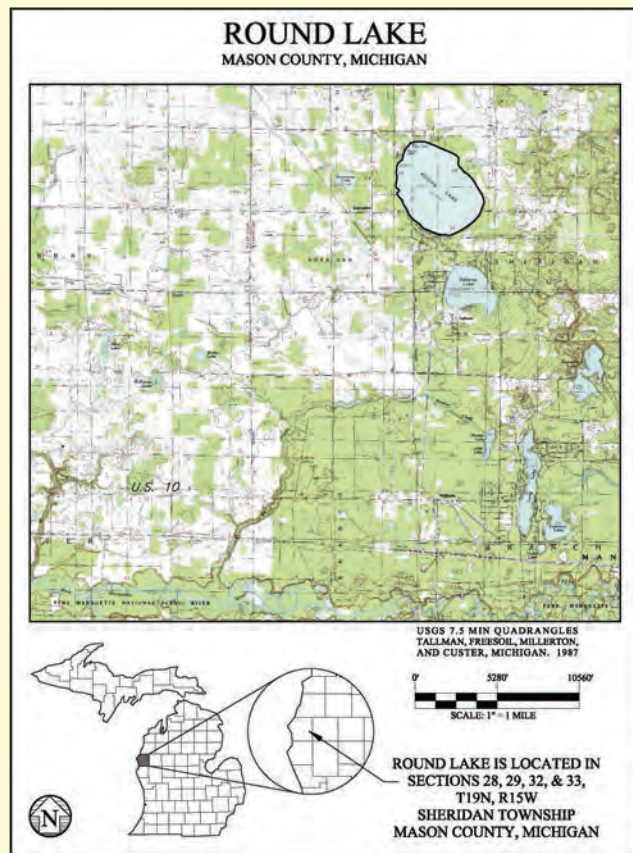


Figure 1



Figure 2

neers in 1999 to establish permanent sampling locations that could be sampled over time and amenable to statistical analysis. Changes in aquatic vegetation characteristics and their responses to aquatic herbicide treatments could be measured with time and allow for accurate determination of the efficacy of aquatic plant management methods for control of particular aquatic plant species.

Although a lake-wide systemic aquatic herbicide treatment (i.e. SONAR®, fluridone) was desired by the Round Lake Improvement Board, further annual data collection was required by the Michigan Department of Environmental Quality (MDEQ at that time) to successfully permit use of that herbicide. To further assist the Michigan Department of Natural Resources (MDNR) with concerns regarding the treatment and potential impacts on the lake fishery, the lead consultant worked closely with the Little River Band of Ottawa Indians who conducted a detailed fishery assessments and

evaluated the potential impacts of fish predation on 5,000 aquatic weevils (*Euhrychiopsis lecontei*) that were placed in two areas of the lake during July of 2007. Since aquatic herbicide treatments were not possible at that time and the infestation of exotic milfoil severely impeded navigability and recreational activities, mechanical harvesting was used to provide temporary access to infested lake areas and increase removal of excessive plant biomass.

Data for the weevil predation study and efficacy of the weevil on the exotic milfoil population is being analyzed for a professional journal article submission. After the temporary methods for 2007 were executed, a whole-lake fluridone treatment occurred during May of 2008. The following year, approximately 130 acres of exotic milfoil returned and were treated with the systemic aquatic herbicide, 2,4-D. Three lake vegetation surveys have been conducted during



Figure 5

2010 and the recent August survey demonstrated that exotic milfoil eradication was possible as no milfoil fragments or mature plants were found (Figure 4). It should be cautioned, however, that eradications are usually temporary and the milfoil may re-emerge from the seed bank and new plants can grow. Thus, continuous monitoring of the lake via the GPS Point Intercept surveys is critical for effective long-term management of this exotic species.

Importance of a Viable Lake Association

When Round Lake was initially surveyed in 2004, a viable Lake Association or Lake Improvement Board did not exist and thus an



Figure 3

important vehicle for establishing a Special Assessment District (SAD) for funding the necessary improvements to the lake was absent. Furthermore, a group with common goals and the ability to review the available (2004) survey data was also absent and this allowed the existing 50 acres of exotic milfoil to rapidly expand throughout Round Lake. If such an Association had existed at that time, the 50 acres of exotic milfoil could have been treated at a significant reduction in cost. This particular case emphasizes the necessity of strong community and interactions among riparians, even if there exists substantially different philosophies in regards to potential treatment strategies.

Round Lake Today

The ecological status of Round Lake is currently demonstrative of a well-balanced aquatic ecosystem with a healthy abundance of native emergent, floating-leaved, and submersed aquatic vegetation. Pondweeds such as Illinois Pondweed (*Potamogeton illinoensis*), White-stem Pondweed (*Potamogeton praelongus*), Variable-leaf Pondweed (*Potamogeton gramineus*), and Thinleaf Pondweed (*Potamogeton pectinatus*) now occupy the areas of the open water that were once densely covered with Eurasian Watermilfoil. Low-growing,

submersed aquatic plants such as Southern Naiad (*Najas guadalupensis*), Slender Naiad (*Najas flexilis*), and Muskgrass (*Chara vulgaris*), now occupy the shallow areas and act as suitable habitat for growing fish. Along the perimeter of the lake, the majority of the riparians understand the importance of shoreline vegetation and communities of Bulrushes (*Scirpus acutus*), Native Blue flag Iris (*Iris versicolor*), Native Swamp Loosestrife (*Decodon verticillatus*), Cattails (*Typha* sp.), and Water Smartweed (*Polygonum amphibium*) reduce shoreline erosion and serve as valuable fisheries spawning habitat. Fishing in Round Lake continues to be strong once again and the pike, bass, and pan fish populations create great fun for fishing recreation (Figure 5).

Acknowledgements:

The author would like to thank the Round Lake Improvement Board, Underwater Construction, Tom Rozich, Kathy Burkett, Grant Jones, Environscience, Inc., Little River Band of Ottawa Indians Inland Fisheries Division, Mason County Drain Commissioner's Office, Michigan Department of Environmental Quality and the Michigan Department of Natural Resources for their contributions to this project.



Figure 4

WE KNOW RIPARIAN RIGHTS INSIDE

& OUT



Clark Hill's Riparian Rights Team assists clients in navigating the legal issues related to riparian rights in Michigan. We counsel landowners regarding their rights and obligations concerning water on or adjacent to their property.

We Understand Your Challenges
We Offer You Solutions
We Share Your Passion

Count on More.

248.988.5869 | WWW.CLARKHILL.COM

CLARK HILL
PLC
ATTORNEYS AT LAW

COUNT ON MORE.™

MICHIGAN LAKES & STREAMS FOUNDATION

YOUR GIFT LIVES FOREVER

What is the Michigan Lakes and Streams Foundation?

The Michigan Lakes & Streams Foundation is a 501(c)(3) nonprofit charitable organization that was founded in 2004 by Michigan Lake and Stream Associations, Inc. (MLSA) to establish endowed funds to support its many programs and initiatives.

What is an endowed fund and how is it used?

An endowed fund ensures that the principal from all gifts always remains untouched—only the interest earned is used. By only using the funds generated from the interest earned the foundation is able to provide MLSA with a stable source of funding for its programs and initiatives.

Why support MLSA?

As you can imagine, with over 300 lake and stream associations representing more than a 100,000 MLSA membership, our impact on legislation relative to protecting the future of Michigan's water resources is powerful. It is your voice in Lansing. For 50 years on national, regional and state levels, MLSA has labored on your behalf—most likely without your even knowing about it. Some key issues are riparian rights, lake and stream water quality, and controlling invasive species.

MLSA provides a wide variety of information for riparian property owners, hosts an annual conference featuring knowledgeable speakers; has a volunteer water quality training/testing program; works with schools, state programs and legislators to educate, protect and advocate for the protection of Michigan's water resources.

Ways you can contribute to the Foundation

There are several ways to give that provide tax benefits for you. Check with your attorney or financial planner for advice on which method of giving is most beneficial for you.

1. Donate a percentage of your estate. Through your representative, regardless of the value and kind of assets in your estate, only the specified percentage will be given.
2. Specify a fixed-dollar amount or other property that you wish to give to the Foundation.
3. Make a cash donation

Note:

General gifts may be used for programs/initiatives decided by MLSA.
Endowed gifts are used specifically according to the donor's wishes.

NEW RIPARIAN MAGAZINE WEBSITE!

The Michigan Riparian Magazine and the Michigan Lakes & Streams Foundation have a beautiful new website. Please go to **www.mi-riparian.org**.

Most of the past issues of the *Riparian Magazine* (and all of the articles therein) are on the website now and all of the past issues will be on the website in the future.

MLSA's website, **www.mlswa.org**, is a great resource for accessing Michigan's water law issues, current and future MLSA events and much more.

WHERE'S MY MAGAZINE?

One of the most common calls we receive is about missing issues of The Michigan Riparian. It is a mystery, sometimes, why you may be getting your magazine and your neighbor is not. Here's what we discovered in our investigation concerning "missing subscriptions":

No Current Address – Please contact the office at 989-831-5100 or email swagner@mlswa.org with any corrections. You can also contact Roger Carey, Subscription Coordinator at 989-588-9538 or email him at mcarey55@charter.net.

Note: *If you belong to a lake association, be sure to include its name.*

Lake Association Members – Send both current and new lists of members to The Michigan Riparian office at 304 E. Main Street, Stanton, MI 48888. If possible send them in an excel file email list to mcarey55@charter.net. Please include additional subscription fees for each member you are adding as a new subscriber to your lake association.

Undelivered issues/Post Office Requirements – Unlike first

class delivery, non-profit bulk rate mailings are not forwarded. If you move or have a temporary address please let us know. Also, the post office requires an exact mailing address. (i.e. NW, SE, Dive, trail etc) If your mailing address is a P.O. Box, we need to know that.

On the positive side, we are given a print-out of all undeliverable magazines. If the rejected address is part of a property owner's association subscription list, we will contact the association and alert them about the problem. We also attempt to reach individual subscribers for a current address. Neither of these options can solve all the mysteries, so the best way to let us know about missed issues is to contact Roger Carey, Subscription Coordinator, at 989-588-9538. His email address is mcarey55@charter.net. You may also contact the office at 989-831-5100 or by email to swagner@mlswa.net.

We could also use your help in letting us know if someone is receiving more than one issue and only needs one or vice versa. Being good stewards of our resources is a priority.

FISH FOR STOCKING

- Giant Hybrid Bluegills - Up to 8 inches
 - Walleye - Up to 8 inches
- Largemouth Bass - Up to 8 inches
- Rainbow Trout - Fingerlings to Adult
 - Smallmouth Bass - Fingerlings
- Channel Catfish - Fingerlings to Adult
 - Yellow Perch - Up to 8 inches
 - Northern Pike - Fingerlings
 - Fathead Minnows

– Our delivery or your pickup –

LAGGIS FISH FARM INC.

08988 35th Street
Gobles, Michigan 49055
– in business since 1979 –
Work Phone • Daytime
269•628•2056
Residence Phone • Evenings
269•624•6215

Never Pay Flood Insurance Again!

*And Get An Insurance Refund For The
Current Years Premium When Your Property
Is Removed From The Flood Zone!*

Authorized by FEMA, we are able to perform
extensive flood-risk analysis to obtain a LOMA
(Letter Of Map Amendment) and remove the
Federal Mandatory Flood Insurance Requirement.
ELOMA's in most cases filed in 24 hours or less!
(Zone AE)

**Receive a FREE Consultation
and find out if your property qualifies!**

**FLOOD ZONE
SPECIALISTS^{LLC}**



PROFESSIONALLY LICENSED & REGISTERED LAND SURVEYORS

We Travel Statewide

1-877-863-3069 FAX: 248-363-1646

Visit our website at: FloodZoneSpecialists.us

Tired of **Short-term Milfoil** Controls? Our Biologists Have **the Solution!**



Known as MiddFoil®, the process increases local populations of a tiny native beetle or weevil that is a known predator of EWM. Milfoil weevils feed and multiply on the stem of the weed, and this ultimately reduces the EWM below problematic levels. The milfoil weevil does not damage native vegetation or property, and the population is regulated by the amount of food (milfoil) available. Our program is based on a naturally occurring relationship that is environmentally safe and sustainable.

Used in over 150 LAKES across the United States and Canada!

MiddFoil® Advantages

- Supported by University research
- Does not interfere with recreation or other water uses
- Allows desirable plants important to fisheries and waterfowl to re-establish
- More cost effective than short-term methods
- Versatile: can be implemented in large and small water bodies
- Maintains health of ecosystem
- No Chemicals!

Alternative Methods

- Chemicals are short-term, expensive, must be applied annually, and can damage native plants and fisheries. In most cases, water restrictions are imposed for 1-21 days post-treatment.
- Harvesting or hand cutting produces numerous fragments, causing EWM to spread more quickly to uninfested areas.
- Suction harvesting requires special equipment and personnel, is extremely expensive, and restricted to shallow areas.
- Drawdown may provide short-term relief but often worsens the problem because bare sediment allows for colonization by fast growing invasive species like milfoil.
- Bottom barriers are restricted to a small area and can disrupt growth of native plants.

RESTORE your LAKE and your PROPERTY VALUES!



Call for a **FREE DVD!**

800.940.4025

www.enviroscienceinc.com

EXCELLENCE in Ecological Monitoring

Lakefront Property Owners...

Stoney Creek is a family owned, Michigan company with 39 years of pond and lake management experience.



Aquatic Rakes

Remove unwanted weeds from beach and water front areas without chemicals.

Water Treatments

We offer a wide variety of weed and algae controls. All are safe for use with pets and fish. Pond-Vive is a natural bacteria that



consumes organic sediment from the lake bottom. Cleans up dead plant material, leaves, etc. Approved by Michigan DEQ for use in public waters.

Aeration Systems

A wide variety of aeration systems are available for improved water quality and fish health.



Live Fish for Stocking Ponds & Lakes

Yellow perch, channel catfish, large mouth bass, hybrid bluegill, feeder minnows, walleye and more available!



Call for
free catalog
(800)
448-3873

4385 East 110th, Grant, MI 49327
visit our website www.StoneyCreekEquip.com



Michigan Lakes &
Streams Foundation Inc.
304 E. Main Street
Stanton, MI 48888

NON-PROFIT ORG.
U.S. POSTAGE
PAID
LANSING, MI
PERMIT #975

NOTE TO SUBSCRIBERS:

Please call The Michigan Riparian office at 989-831-5100 or e-mail swagner@mlswa.org with any changes regarding your mailing address.

Does Your Pontoon Boat Need a Face Lift?

Top Quality Aftermarket Marine
Upholstery & Accessories
for Pontoon & Deck Boats
Buy Manufacturer Direct -
Shipped Worldwide



Custom Marine
Upholstery Applications
& Colors

Rectangular & Round
Table Kits

Marine Carpeting &
Vinyl

Fiberglass Helm
Stands

Bimini Tops

Re-decking Kits

www.americansofttrim.com



Call Toll Free 877-463-0356

For Brochures, Pricing & Color Samples. OEM & Dealer Inquiries Welcome



AST
AMERICAN SOFT TRIM, INC.

300 Woodside Dr.,
St. Louis, MI 48880
TEL: 989.681.4300 FAX: 989.681.4333

