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# THE MICHIGAN RIPARIAN

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DEVOTED TO THE MANAGEMENT AND WISE USE OF MICHIGAN'S LAKES AND STREAMS

Published Quarterly – February, May, August and November

*RIPARIAN* (r-'per-EE-n) 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.



## Black Lake

*Black Lake is located in both Cheboygan County and Presque Isle County, Michigan.*

*Its surface area is 10,130 acres with a 36,453-acre watershed area.*

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## FROM THE PUBLISHER



Don Winne

### We must act now to preserve wetlands and flood plains

The following message was written by Robert L. Meyer, president of the Pickerel-Crooked Lakes Association. It appeared in the *Petoskey News Review* more than 25 years ago, dated September 20, 1979.

#### TO THE PEOPLE OF EMMET COUNTY

Condominiums ... townhouses ... apartments ... stores ... offices ... call them what you like. It is where they are put that is of utmost importance! We in Emmet County have the very great fortune of living in an environment unequalled anywhere in the State of Michigan, completely surrounded by natural resources second to no other area in the north. Our lakes, streams and forests help to give us a quality of living that must be preserved. This lifestyle is also the bread and butter for just about every local business. Our area growth must be managed properly. For example, our small lakes cannot tolerate multiple or high density dwellings on their shores! Our lakes are already at a delicate stage and are extremely sensitive to any kind of mass development. We cannot let these lakes ultimately be destroyed by those who couldn't care less about our waters and environment. Our Planning Commission, Township Boards, Appeals Boards, Zoning Boards, County Commissioners, and property owners must be especially aware of adverse effects to our natural resources and act to preserve these critical areas of flood plains and wetlands. We are urgently in need of a wetlands zoning ordinance. This is essential in order that we all may enjoy the beauty and good things this county affords us. Development is expected – but it must be properly controlled by keeping good zoning, avoiding undesirable rezoning and "special permits" where ultimate lake degrading will take its toll ... again, we say "it is not what – but where!" Once our natural resources are destroyed by the indiscriminate bulldozer, they can never be returned – never. Think about it. The problem is real!

Has Mr. Meyer's message not to destroy our natural resources gone unheeded?  
Are houses on the water's edge more important than our natural resources?

THE FIRST WEEK IN JUNE IS AQUATIC INVASIVE SPECIES WEEK!

PUBLISHER DON WINNE

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# EXOTICS ON THE RAMPAGE

... In the rivers, lakes and streams of the Great Lakes Basin • what can be done to manage zebra mussels, round goby, ruffe and sea lamprey?

## Number of Michigan lakes infested with those aggressive ZEBRA MUSSELS increases again

Zebra mussels are a barnacle-like mollusk (mussel) native to the Caspian Sea region of Asia. They attach themselves to hard objects such as submerged rocks, dock pilings, boat hulls, and native clams and mussels, killing them. They were discovered in Lake St. Clair in June 1988 and now have spread to all five Great Lakes and to the Ohio and Mississippi River systems, including their tributaries. They've also invaded more than 200 inland lakes in Michigan.

They clog water intake pipes at power plants and water treatment facilities and cost millions to control each year. They multiply rapidly and filter large quantities of plankton from the water and contribute to toxic algal blooms (microcystis), aquatic plant growth and food web disruptions. Zebra mussels have contributed to declines in Great Lakes fish.

In 2005, according to Michigan Sea Grant, zebra mussel infestations were confirmed in 23 more of Michigan's inland lakes, bring the total to 227. Last year, these striped mollusks were confirmed for the first time in the following lakes and counties (lake listed first with county in parentheses):

Cedar (Alcona), Miller (Allegan), Torch (Antrim), Douglas (Cheboygan), Sand (Clare), Margrethe (Crawford), Lime (Jackson), Pickerel (Kalkaska), Blind (Livingston), Bruin (Livingston), Halfmoon (Livingston), Patterson (Livingston), Watson (Livingston), Twin (Luce), Spring (Montcalm), West (Montcalm), Ess (Montmorency), Bush (Oakland), Bradford (Otsego), Essau (Presque Isle), Grand (Presque Isle), Prairie River (St. Joseph), and Bear (Van Buren).

The infestations are now present in 53 of the state's 83 counties. Counties new to the list are Crawford, Kalkaska, Luce, Montmorency, Otsego, Presque Isle and Van Buren.

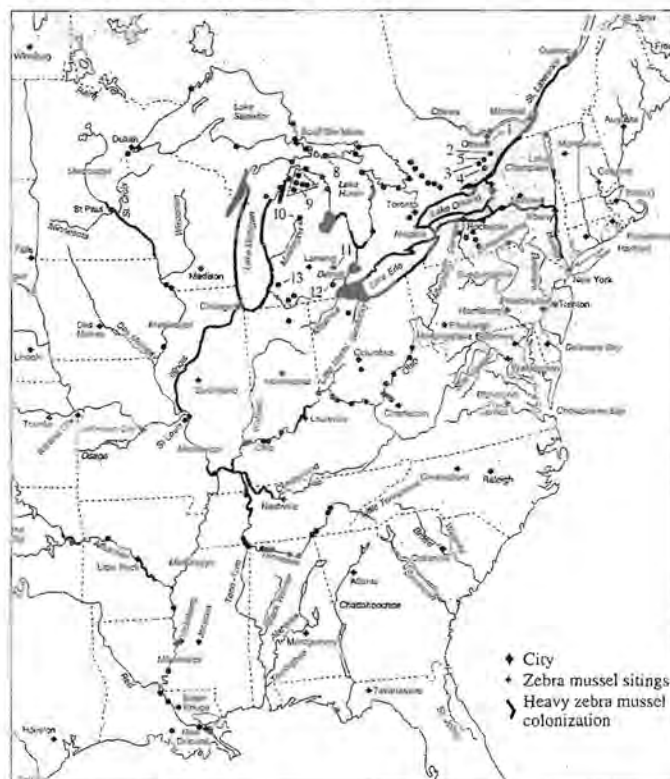
All of the 2005 reports came from lake-front property owners, other interested citizens and resource managers who found adult colonies clinging to surfaces such as boats, docks, rocks, dams and water pumps. Citizen reports become part of the infestation monitoring program maintained by Michigan Sea Grant at [www.miseagrant.umich.edu/ais/lakes.html](http://www.miseagrant.umich.edu/ais/lakes.html).

An aggressive program of control and/or eradication has not been established by the State of Michigan. Grant money is being made available to members of the public to establish control programs. Failure of the scientific community to agree on methods and programs for control has allowed them to proliferate. The problem may be one of too little, too late.

Carol Swinehart, Michigan Sea Grant Extension communica-



tions manager, encourages citizens to look for zebra mussels whenever they go to an inland lake. "If you find what you think is a zebra mussel in a lake or stream not already on the list of infested lakes on the web site, note the date and precise location where you found it, take the mussel (several if possible) and store it in rubbing alcohol," said Swinehart. "Then call Michigan Sea Grant Extension or send an e-mail message with information to [cys@msu.edu](mailto:cys@msu.edu)."





## EXOTICS ON THE RAMPAGE

... in the rivers, lakes and streams of the Great Lakes Basin • what can be done to manage zebra mussels, round goby, ruffe and sea lamprey?

### Small, bottom-dwelling ROUND GOBY was likely introduced by transoceanic ballast water discharge



Round goby identification cards (Minnesota Sea Grant 1995) and fact sheets continue to be distributed to anglers and others in the state by DNR offices and by Minnesota Sea Grant. This information will help ensure that if round gobies are discovered in inland waters, they will be reported to the DNR.

The round goby is a small, bottom-dwelling fish native to the Black and Caspian seas. The first reported finding of round goby in the Great Lakes was in the St. Clair River, Michigan, in 1990. This fish was likely introduced through transoceanic ballast water discharge.

The first round gobies in Minnesota were discovered during the summer of 1995 in the Duluth-Superior harbor (St. Louis River estuary). There is documented harm to native fish populations, such as mottled sculpins, where round gobies have invaded. Populations of other species such as logperch and lake sturgeon may be harmed as well. If round gobies enter the Mississippi River basin, they may have harmful impacts on darters, several of which are federally listed as threatened and endangered species.

Because round gobies eat zebra mussels, there is also concern about the potential for round gobies to pass contaminants from zebra mussels to game fish such as smallmouth bass. Gobies appear to have another impact on recreational angling – they can make it difficult to catch game fish such as yellow perch.

The round goby was designated as a prohibited exotic species in the Department of Natural Resources' permanent rules. Under Minnesota laws, it is illegal to possess, transport, sell or import species in this regulatory classification. Preventing these actions can reduce the risk that gobies will be dispersed to inland waters of the state.

#### **Progress in management of round goby (2000)**

Because there are not any acceptable management options available to reduce or eliminate the established round goby population, management of gobies has not occurred in the Duluth-Superior harbor. Prevention of their spread to inland waters continues to be the focus of round goby management in the state. State efforts to address future needs for round goby management, as identified in the 1998 annual report, are described below.

At the regional and national level, the DNR's Exotic Species program supported temporary and long-term management actions for the Illinois waterways to limit round goby spread to the Mississippi River drainage. Minnesota's involvement occurred through the Mississippi Interstate Cooperative Resources Association (MICRA), attendance at meetings, and through direct contact with the Army Corp of Engineers in the Chicago District. Also, in response to an inquiry from the USFWS, the DNR wrote the USFWS and encouraged it to conduct research necessary for Environmental Protection Agency registration of a bottom formulation of the piscicide Antimycin as a management tool for round gobies and other benthic exotic fish.

#### **Current distribution of the round goby**

From its initial introduction into the St. Clair River, which connects Lake Huron and Lake St. Clair, the round goby has spread to the Detroit River, all of the Great Lakes, the Illinois waterways, and to the Lake Superior watershed. Many round gobies were located in several locations in the Duluth-Superior harbor during 2000. Round gobies have not been identified in any inland waters in the state.

Surveys conducted by the USFWS and others in 2000 found gobies located in the Chicago Sanitary and Ship Canal just upstream from the Des Plaines River. This location is 13 miles further downstream than the furthest previous collection point and a distance of about 44 miles downstream from Lake Michigan.

The presence of round gobies in the Illinois waterways beyond a proposed Dispersal Barrier Demonstration project of the U.S. Army Corps of Engineers (an electric barrier) means almost certain introduction of round gobies throughout the Mississippi River watershed. In Minnesota, the Mississippi River tributaries are likely to become infested if no barrier exists upstream of the confluence of the Illinois River and the Mississippi River.

Current distribution maps for the round goby are available online at [http://nas.usgs.gov/fishes/images/goby\\_map.gif](http://nas.usgs.gov/fishes/images/goby_map.gif)



## EXOTICS ON THE RAMPAGE

... in the rivers, lakes and streams of the Great Lakes Basin • what can be done to manage zebra mussels, round goby, ruffe and sea lamprey?

### A new threat to our fisheries, the RUFFE, was introduced to Lake Superior in the 1980s

The ruffe (pronounced "ruff") is a small but aggressive fish species native to Eurasia. It was introduced into Lake Superior in the mid-1980s in the ballast water of an ocean-going vessel. Because the ruffe matures quickly, has a high reproductive capacity, and adapts to a wide variety of environments, it is considered a serious threat to commercial and sport fishing. It also has the potential to seriously disrupt the delicate predator/prey balance vital to sustaining a healthy fishery.



The ruffe resembles a yellow perch with walleye markings. In fact, it is a member of the perch family. An adult ruffe is about five to six inches long; it rarely exceeds 10 inches. At first glance, ruffe can resemble young walleye, yellow perch, johnny darter, or trout-perch, but there are ways to tell the difference; the most obvious is the ruffe's large, continuous dorsal fin and its slightly downturned mouth.

#### Effects of the ruffe on other species

Explosive growth of the ruffe population means less food and space in the ecosystem for other fish with similar diets and feeding habits. Because of this, walleye, perch, and a number of small forage fish species are seriously threatened by continued expansion of the ruffe's range.

Ruffe were first collected in the Duluth/Superior harbor area of Lake Superior in 1986 during a routine analysis of the local fishery. Although officially identified in 1987, ruffe were probably introduced about 1985. In the short time since its introduction, the ruffe has become the most numerous fish in the St. Louis River. As of 1993, the ruffe has spread east along Lake Superior's coast to the Sand River in northern Wisconsin, and north to Thunder Bay, Ontario. Ruffe probably moved across the lake to Thunder Bay via intralake ballast exchange. So far, Lake Superior is the only place ruffe were found in the Western Hemisphere. The ruffe's ability to move from lake to lake in ships' ballast, however, will make it difficult to prevent the fish from expanding its range to the lower Great Lakes.

While it is too early to tell exactly how the ruffe will affect other fish in the St. Louis River, its numbers have increased dramatically while other species, especially emerald shiner, yellow perch, and trout perch, have declined. It would be easy to blame all of these changes on the ruffe, but some could be the result of natural fluctuations, fishing pressure, or fisheries management practices.

#### Control strategies in the St. Louis River

Fisheries managers first tried to control ruffe by increasing their number of predators, especially walleye and northern pike. They did this by limiting sport catches of these species, and stocking walleye and northern pike. Early results of the predator stocking program have been disappointing, but it is too early to judge the effectiveness of this approach since fish often take several years to switch to a new food source. Researchers analyzed stomach samples of the predators and found very few ruffe in walleye and northern pike stomachs. Bullheads appear to be the only species that consistently eat ruffe. Research suggests that predators stocked to control ruffe may not eat them because they prefer soft-rayed shiners and small hard-rayed fish like darters and young perch. This could explain the increase in ruffe and reduction in these forage species.

The battle to keep the ruffe from spreading is being fought on several fronts. Chemical controls that kill ruffe but leave other species unharmed are being sought. For instance, researchers are exploring the possibility that the ruffe is susceptible to low doses of the lampricide TFM, a chemical that in low doses kills lamprey but not other fish. Fisheries managers will plan eradication and control measures for Lake Superior rivers and streams on a case-by-case basis. The overall goal, however, is to contain ruffe to the western part of Lake Superior.

To keep ruffe from spreading to the other Great Lakes, the Lake Carriers Association developed voluntary guidelines for handling ballast water in Great Lakes ships. Under these new guidelines, ships going to other Great Lakes are required to exchange ballast in deep (at least 240 feet) water west of a demarcation line between Ontonagon, Michigan, and Grand Portage, Minnesota, and at least five miles from the south shore of Lake Superior.





## To continue to be an effective leader in the state, MLSF needs your support!

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Donald E. Winne, EXECUTIVE DIRECTOR

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### WHAT IS THE MICHIGAN LAKES & STREAMS FOUNDATION?

The Michigan Lakes & Streams Foundation is a 501(c)(3) nonprofit, charitable organization which was established in 2004 by Michigan Lake & Stream Associations, Inc. (MLSA) to provide a vehicle (an endowed fund) for developing a stable and permanent financing source to help support MLSA's many programs and initiatives.

### WHY AN ENDOWED FUND?

An endowed fund ensures the principal from all gifts will always be there in the future to help provide funding to MLSA. Only the interest earned will be utilized. The principal will remain untouched. Thus, the more we are able to expand the principal, the greater the dollars available each year.

### WHY SUPPORT ML&SA?

MLSA's membership consists of more than 300 Lakes & Streams Associations statewide, representing more than 100,000 members interested in protecting the future of Michigan's water resources. For 45 years, Michigan Lake & Stream Associations, Inc., has labored on your behalf — most likely without you even knowing about it. On a national, regional and state level, MLSA represents its members through involvement in a variety of programs and issues involving state waters. Some of the key issues MLSA is currently dealing with include:

- *Riparian rights.*
- *Lake and stream water quality.*
- *Controlling invasive species.*
- *Lake and stream watershed management.*
- *Other MLSA activities* — MLSA is actively supporting numerous programs; MLSA is also your voice in Lansing, representing you.

### HOW CAN I CONTRIBUTE?

There are four ways you can make a difference in the future of Michigan's lakes and streams:

1. You can leave a percentage of your estate through your will to the Foundation. No matter what kind of assets are in your estate, and regardless of the value, the percentage you specify will be given by your personal representative.
2. You may also wish to name a fixed-dollar amount or other specific property as your gift. This ensures a definite gift regardless of other bequests.
3. After bequests are made to other heirs, you can leave whatever is left from your estate to the Foundation. This assures that others are taken care of first, but that something goes to the Foundation that is important to you.
4. You can make a cash contribution any time.

Consult with your own attorney or accountant for further ideas on the most appropriate way to make your bequest. FOR MORE INFORMATION, contact Franz Mogdis, President of the Board of Directors of the Foundation, at **989-831-5261**; or Pearl Bonnell, Treasurer of the Foundation, at **989-257-3583**.

FOR 45 YEARS, MLSA HAS PROVIDED ALL OF THESE BENEFITS AND RESOURCES TO ITS MEMBERS AND THE CITIZENS OF MICHIGAN ON A LIMITED BUDGET — RELYING ALMOST ENTIRELY ON VOLUNTEERS. IF WE ARE TO CONTINUE TO BE EFFECTIVE AS THE LEADER IN THE STATE IN PROTECTING OUR WATER RESOURCES FOR FUTURE GENERATIONS AND CONTINUE TO BE YOUR VOICE IN LANSING AND CONTINUE TO DEFEND YOUR RIPARIAN RIGHTS ... **WE NEED YOUR SUPPORT!**

# New Michigan appellate cases

By Clifford H. Bloom, Esq.  
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Since the beginning of this year, the Michigan Court of Appeals has issued two proprietary opinions of particular interest. Both decisions involve “unpublished” decisions. Although not technically binding on Michigan trial courts, unpublished decisions of the Michigan Court of Appeals often constitute the only pronouncement of a Michigan appellate court in a given area and are frequently persuasive to trial court judges. Under the common law in Michigan, the use of surface bodies of water such as lakes, rivers, and streams is subject to the “reasonable use” or “riparian rights” doctrine: a riparian property owner (or a member of the public, for that matter) cannot utilize the shoreline, bottomlands, or waters of a water body in such a way that it would unreasonably interfere with the reasonable use thereof by one or more other riparian property owners. This is akin to the old adage that ‘your right to swing your fist ends where my nose begins.’ In many townships, cities, and villages in Michigan, riparians have not had to resort to this common law right in court, since many of those municipalities have adopted ordinances which regulate funneling, lake access, docks, boat mooring, and similar structures and uses. Nevertheless, if a particular municipality refuses to enforce such an ordinance or lacks these types of ordinances, the reasonable use or riparian rights doctrine can potentially be utilized in court by a riparian to combat such problems as unusually long docks, a new funnel development, a swim raft which is a hazard to navigation, or a problem marina. There are potentially two problems associated with the reasonable use/riparian rights doctrine. First, lawsuits based on this common law right can be very expensive and divisive. Second, although supposedly the reasonableness standard is a so-called “objective” test (such that an unbiased judge should theoretically be able to discover or ascertain an objective truth), the decision by a given judge as

to what is reasonable often constitutes a crapshoot. For example, while one judge might decide that permitting a new development with only 50’ of frontage on a lake to give lake access and dockage rights to 100 new non-riparian or off-lake lots is reasonable, another judge in a different situation could hold that giving five new lots access through a common area with 500’ of lake frontage is unreasonable. *Dowling v Lerner* (unpublished Michigan Court of Appeals decision, January 12, 2006, Case No. 255882), involved an application of the reasonable use/riparian rights doctrine. In this case, the defendants’ lakefront lot long had a dock which was approximately 60’ in length and was generally placed parallel to plaintiffs’ dock. Defendants then extended their dock (from approximately 60’ up to 115’) and changed the angle of their dock. Plaintiffs (the adjoining riparian property owners) filed a lawsuit claiming that the neighbors’ altered dock violated the plaintiffs’ riparian rights and also extended over the bottomlands of the plaintiffs. The trial court (and the Michigan Court of Appeals) agreed that the length and angle of the new dock was unreasonable. It was also unnecessary to reach the issue of whether defendants’ dock illegally trespassed on plaintiffs’ bottomlands, since under the court order, the dock would have to be returned to its original location and angle. Also under the common law, the Michigan appellate courts have long held that for most easements, road-ends at lakes, perpendicular walkways at lakes, and similar lake-access devices, boat mooring, private dockage, sunbathing, lounging, and similar sedentary activities are prohibited. See *Dyball v Lennox*, 260 Mich App 698 (2003). Of course, there are a few exceptions to this general “bright line” rule (for example, where an easement expressly states that boat mooring and dockage can occur, or where a public road-end is involved, the courts normally allow one dock at the public road-end

but not for permanent boat mooring). In *Ward v Barron Precision Instruments, LLC* (unpublished Michigan Court of Appeals decision, January 19, 2006, Case No. 263616), the trial court was confronted with a situation involving a dedication that states that an easement is for the private use of the lot owners. The trial court ruled that backlots could use the easement for a dock and boats. The Court of Appeals disagreed with the trial court’s assertion that the dedicated property constituted a “riparian property” and held that it was an access easement only (i.e., there was no right to utilize a dock or to permanently moor or anchor boats).

\*\*\*\*\*

The Michigan Court of Appeals also recently issued what could be the final appellate decision in the saga of *Little v Kin* (unpublished Michigan Court of Appeals decision, March 23, 2006, Case No. 257781). In 2003, the Michigan Supreme Court in *Little v Kin*, 468 Mich 699 (2003), held that a fairly high burden attaches to any backlot owner who is trying to assert dockage or boat mooring rights for an easement. The case was remanded back to the trial court to determine what the easement language really means. The original language stated “for access to and use of the riparian rights to Pine Lake.” Had the easement used only access language, the trial court would have disallowed dockage or boat mooring. However, the trial court held that the additional phrase “and use of the riparian rights” meant that the backlot had the right to maintain a dock and moor boats. That interpretation was upheld this past March by the Michigan Court of Appeals. Fortunately, this Court of Appeals decision is relatively narrow and should have little effective precedential value in future cases due to the unusual (and explicit) language contained in the easement grant and the relatively large easement area for use by only one or two backlots.



## FEATURE

# Protecting Michigan's vanishing native lakeshore

Shoreline development along lakes often results in the "cleaning up" of the lot and alteration of the native vegetation. Trees are cut and pruned while dead trees and fallen limbs are chain-sawed and burned. The forest undergrowth is often removed and replaced with a lawn. Herbicides are sometimes used to eliminate shoreline plants. The wild native shore is replaced with a highly ordered "suburban lawn" setting. As a result, many lakes today have little or none of their original native shoreline remaining.

The shoreline is a transition zone where aquatic species such as frogs, turtles and fish merge with land species such as minks, raccoons and blue herons. As the environment transitions from water to land, it creates conditions for different plants to grow, offering a variety of habitats for many animals. The wild lakeshore is one of the most biologically diverse, plant- and animal-rich environments on earth. The suburban lawn, however, is one of the least biologically diverse en-



Islands of low-growing shrubs and flowers can maintain the lake view.

vironments. Shoreline wildlife and birds generally cannot live or reproduce on the suburban lawn. They move out or are pushed to local extinction when development destroys their habitat.

A native lakeshore is like a giant, living sponge and filter. Nearly all the water that falls as rain is intercepted by the leaves and branches of the vegetation or soaks into the rich soils. Very little water is left to run across the land as surface runoff



and carry pollutants to the lake. On the suburban lawn, tree cover is often greatly reduced. The undergrowth might be completely removed and the leaf-covered forest floor replaced with the flat surface of a lawn. Under these conditions, little water is intercepted or soaks into the ground. Most of it flows overland and picks up pollutants such as fertilizers, pesticides, sediments, oil, grease and pet and animal waste. These pollutants are carried with the water and deposited in the lake.

In addition to accelerating the movement of pollutants off the land, the suburban lawn introduces new sources of concentrated lawn maintenance fertilizers and pesticides. Excessive use of concentrated fertilizers can stimulate growth of nuisance aquatic plants, such as filamentous and bluegreen algae in the lake. Another pollution problem association with a suburban lawn is soil erosion. When a lawn is planted to the water's edge, the shallow grass roots are not able to withstand the forces of the waves and ice. Over time, the lawn and land are eroded away and washed into the lake. The homeowner may resort to rocks and/or a seawall to prevent the erosion and loss of land. This hard armoring of the beach further diminishes the native shore and wildlife habitat.

When developing a lakefront lot, the lawn and buildings may be blended into an artistic natural setting rather than replacing the wild lakeshore with rocks and steel. Through proper landscape design, it is possible to create a unique lakefront home instead of a typical subdivision house and yard. In addition to creating a unique lot,

the natural shoreline will minimize pollution, protect the shoreline from erosion and provide a home for the wildlife that lives at the water's edge.

When constructing a distinctive waterfront home, do the following:

- Remove only those trees necessary to build and protect the house and yard and open a view of the lake.
- Keep the lawn away from the lake. Plant grasses that need little watering and fertilizers.
- Maintain brush cover on steep, sloping lands.
- Allow a buffer zone of native vegetation along the lakeshore.
- Keep boating and swimming areas as small as possible to maintain the native shoreline.
- Avoid retaining walls; instead, use rock rip-rap if erosion should start on beach areas not protected with native vegetation.

If a lakefront home already has a suburban lawn to the edge of the lake, the wildlife habitat will be minimal and an erosion problem may already be present. The native shoreline can be re-established by planting a lakeshore buffer zone. This zone might consist of low-growing shrubs and flowers, with taller trees along the lot sides. This combination of plantings maintains the view of the lake and screens other lot development from view.

When constructing the buffer zone and designing the plantings, keep in mind: The buffer zone should extend 25-50 feet out into the water and up onto the land and occupy 60-80% of the lot's lake frontage. The buffer zone can be divided into three planting areas: 1) aquatic plants that grow below the water surface; 2) moist-soil plants, such as cattail, bulrush, arrowhead and pickerelweed, growing in the wave-washed area; and 3) dry-soil plants, such as native grasses, wild flowers, shrubs and trees growing up slope from the beach. Also, plants used in the buffer zone should be native plants.

Contact the MSU Extension Bulletin Office at 517-355-0240 for a copy of the book "Lakescaping for Wildlife and Water Quality" (bulletin no. WQ 57).



## EXOTICS ON THE RAMPAGE

... in the rivers, lakes and streams of the Great Lakes Basin • what can be done to manage zebra mussels, round goby, ruffe and sea lamprey?

### During its life as a parasite, each SEA LAMPREY can kill forty or more pounds of fish

Sea lampreys are primitive, jawless fish native to the Atlantic Ocean. In the Great Lakes, there are several different types of native lampreys (including the silver lamprey, the American brook lamprey, and the northern brook lamprey), but the exotic sea lamprey is far larger and more predaceous than native lampreys. Although lampreys resemble eels, lampreys lack jaws and possess only cartilage.

Lampreys have a large, sucking disk for a mouth and a well-developed sense of smell. The mouth is filled with sharp teeth that surround a file-like tongue. A lamprey's body has smooth, scaleless skin and two dorsal fins, but has no lateral line, no vertebrae, no swim bladder, and no paired fins.

#### How did sea lampreys spread into the Great Lakes?

Sea lampreys are native to the Atlantic Ocean, not the Great Lakes. Sea lampreys entered the Great Lakes system in the 1800s through man-made locks and shipping canals. Prior to the opening of the Welland Canal in 1829, and prior to its modification in 1919, Niagara Falls served as a natural barrier to keep sea lampreys out of the upper Great Lakes.

Sea lampreys were first observed in Lake Ontario in the 1830s. They did not invade Lake Erie prior to the improvements of the Welland Canal in 1919; sea lampreys were first observed in Lake Erie in 1921. After spreading into Lake Erie, sea lampreys moved rapidly to the other Great Lakes, appearing in Lake St. Clair in 1934, Lake Michigan in 1936, Lake Huron in 1937, and Lake Superior in 1938. By the late 1940s, sea lamprey populations had exploded in all of the upper Great Lakes causing severe damage to lake trout and other critical fish species.

#### How do sea lampreys affect the Great Lakes fishery?

Sea lampreys attach to fish with their sucking disk and sharp teeth, rasp through scales and skin, and feed on the fish's body fluids, often killing the fish. During its life as a parasite, each sea lamprey can kill 40 or more pounds of fish. Sea lampreys are so destructive that under some conditions, only one out of seven fish attacked by a sea lamprey will survive.

Sea lamprey have had an enormous negative impact on the Great Lakes fishery. Because sea lampreys did not evolve with naturally occurring Great Lakes fish species, their aggressive, predaceous behavior gave them a strong advantage over their native fish prey. Sea lampreys prey on all species of large Great Lakes fish such as lake trout, salmon, rainbow trout (steelhead), whitefish, chubs, burbot, walleye and catfish.

Sea lampreys were a major cause of the collapse of lake trout,



whitefish and chub populations in the Great Lakes during the 1940s and 1950s. These fish were the mainstay of a vibrant and important fishery. Before the sea lamprey's spread, the U.S. and Canada harvested about 15 million pounds of lake trout in the upper Great Lakes each year. By the early 1960s, the catch was only about 300,000 pounds. In Lake Huron, the catch fell from 3.4 million pounds in 1937 to almost nothing in 1947. The catch in Lake Michigan dropped from 5.5 million pounds in 1946 to 402 pounds by 1953. The Lake Superior catch dropped from an average of 4.5 million pounds to 368,000 pounds in 1961. During the time of highest sea lamprey abundance, up to 85% of fish somehow not killed by sea lampreys exhibited sea lamprey wounds. The once-thriving fisheries were devastated. Great Lakes sea lampreys themselves, traditionally, have had no economic value.

#### What is the sea lamprey's life cycle?

Adult sea lampreys move into gravel areas of tributary streams during spring and early summer. They build nests and lay eggs before dying. After the eggs hatch, small, worm-like larvae are swept downstream from the nest and burrow into sand and silt. The larvae feed on bottom debris and algae carried to them by stream currents. During this stage, which averages about 4-6 years, larvae grow to about 6 inches.

After the larval life stage, sea lampreys transform into their parasitic phase and migrate into the open waters of the Great Lakes. Sea lampreys spend the next 12-20 months feeding on fish. The sea lamprey's life cycle, from egg to adult, averages about 6 years, and may last as long as 20 years.

Of the 5,747 streams and tributaries of the Great Lakes, 433 are known to produce sea lampreys and about 250 are treated on a regular cycle. The Great Lakes Fishery Commission treats approximately 60-70 streams a year for sea lampreys.



# Pere Marquette River's SEA LAMPREY barrier is on the cutting edge of technology

Over 40 years ago, on Michigan's Pere Marquette River (PM), biologists experimented with their first attempts to control the sea lamprey. Although the old AC electrical barriers blocked sea lampreys, they also blocked the upstream migration of desirable fish, zapped wildlife, and shorted-out frequently. It did not take long for biologists to abandon the Pere Marquette's first electrical barrier and opt instead for a control effort that used the lampricide TFM. Today, the U.S. Fish and Wildlife Service and the State of Michigan are testing a new and improved DC electrical sea lamprey barrier on the PM. The new barrier uses state-of-the-art technology to block upstream migration of sea lampreys while attracting desirable fish into a fishway, while not impounding water or blocking the flow of the river. The new barrier went into operation in early 2000. All indications are that this new barrier design will represent the future of sea lamprey barriers in the Great Lakes.

Without sea lamprey control, the PM would produce tens of thousands of sea lampreys annually. Clearly, sea lamprey control on the PM is a top priority if we want to protect our fishery. The PM is also one of Michigan's most popular streams for anglers and recreational users, so a primary goal for biologists is to make sea lamprey control as unobtrusive as possible. Barriers in use today prevent sea lampreys from accessing reproductive habitat in Great Lakes tributaries at a fraction of the cost of a typical lampricide treatment. A top priority is to

stop lampreys while not blocking the passage of other fish. The new barrier is built into the streambed of the river and as a result does not block the natural flow of the stream or impound water. The barrier has a grid on the stream bottom with an increasing electrical field that works by repelling lampreys and fish, not zapping them as with the old AC electrical barrier. The revised design of the PM barrier is the first time that the U.S. Fish and Wildlife Service has used a combination of an electrical barrier and a pumped passageway in the Great Lakes to get fish around the barrier. Observations confirmed that the new barrier design is successful. The barrier denied lampreys upstream migration while allowing steelhead and other desirable fish to enter the fishway and successfully pass to spawning grounds upstream.

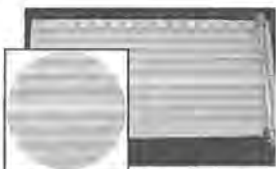
Researchers at Michigan State University are conducting further evaluations of the effectiveness of the barrier. Their evaluation will serve as a means to formulate modifications to the barrier to make it even more effective in passing sport fish upstream. Sea lamprey experts have been battling the pest for more than 40 years, and will continue to pursue alternative control techniques. Barriers, such as the one on the PM, are a step in the right direction. Some sea lampreys may spawn below the barrier, but the reduced numbers of lamprey makes it easier and far less expensive to deal with the PM's lamprey problem. — excerpted from article by Ellie Koon, U.S. Fish & Wildlife Service and John Schrouder, Mich. DNR



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## Boaters can help stop the spread of invasive species

The Department of Environmental Quality's Office of the Great Lakes is reminding boaters that they play an important role in protecting Michigan's waters from aquatic invasive species. Over 162 aquatic invasive plants and animals threaten Michigan's diverse ecosystems and interfere with many uses of our waters. Those enjoying our lakes and streams should inspect watercrafts and recreational equipment before leaving a lake or other water body, remove any vegetation, drain all live wells, clean areas that may contain water, and dispose of unused bait in the trash. Allowing boating and recreational equipment to dry 5-10 days also helps to prevent the spread of zebra mussels and other organisms from one lake to another.

"Invasive species not only impact the use of Michigan waters, but have negative impacts on sport and commercial fishing, industry, municipalities, and native fish and wildlife," said Office of the Great Lakes Director Ken DeBeaussiaert. "We must all play our part in protecting these vast water resources." The 2006 Great Lakes Protection Fund decal is now available for sale at a cost of \$35 with the proceeds going toward aquatic invasive species research, education, and eradication efforts. The decal does not replace any required registration or identification stickers, though boaters may notice the decal order form in their registration renewal package. Decals may also be ordered online through the Michigan e-Store at [www.michigan.gov/michiganmall](http://www.michigan.gov/michiganmall).

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# NEWS FROM LAKES AROUND THE STATE

## **Invasive species, time for water testing and more**

**LAKES PRESERVATION LEAGUE**

**Lenawee County**

*Kathy Miller, Newsletter*

Recently, invasive species removal work was planned for the Goose Creek Grasslands Nature Sanctuary located near Cement City (Woodstock Township). Glossy buckthorn can invade wetlands and out-compete native plants for natural resources, and it re-grows when cut, as do some invasive aquatic species such as Eurasian watermilfoil. Also, the Cooperative Lakes Monitoring Program (CLMP) gets going in early spring and continues throughout the summer. Some very dedicated volunteers do the job very well.

## **Lake level's going up**

**BARRON LAKE ASSOCIATION**

**Cass County**

*Emery Hirschler, President*

Like many area lakes in the past several years, Barron Lake in Cass County has been shrinking. Loss of water due to low precipitation and evaporation was making what was once a wonderful boating and fishing lake seem more like just a pretty good-size pond. About five years ago, however, lake-side property owners began the process of finding a way to raise the lake level. In 2001, Wightman & Associates, Inc., prepared and submitted an "Engineering Report for the Establishment and Maintenance of a Legal Lake Level for Barron Lake." The report established a recommended legal level and methods of achieving and maintaining that level. Next, the lake association petitioned to set the legal lake level of 757 feet under Part 307, Inland Lake Levels, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. By following a prescribed set of procedures, the riparian land owners were then able to pursue recommendations made in the report. Several studies were also performed by Peerless-Midwest, Inc., to determine the hydrogeologic and hydraulic realities of the lake and associated aquifers and to develop the most cost-effective and low-impact means of attaining and maintaining the legal level. Extensive testing showed that a lower aquifer would be able

to provide the millions of gallons of water needed to attain the legal lake level with negligible impact on the lake and nearby water wells. On Nov. 30, 2005, the lake was 3' 4" below the legal level. Less than one month later, the pump was turned on and began delivering 1,050 gallons of water per minute from the 226-foot well on to a bed of rocks where it runs down to the lake. The project is not only restoring the lake, but aiding the health of fisheries and wildlife habitat, including an adjoining wetland. It will also help maintain property values that were threatened by the low lake level.

## **What is ESLA?**

**ELK-SKEGEMOG LAKES ASSOCIATION**

**Antrim/Kalkaska/Grand Traverse counties**

*Mary Anne Rivers, President*

The Elk-Skegemog Lakes Association is beginning its 55th year. It exists to represent all lake and river property owners on Elk and Skegemog lakes, and the Torch, Rapid and Elk rivers. We do not take positions on political issues or candidates as they arise during elections. Our efforts are completely directed to maintaining our water quality, shoreline beauty, and natural resources, including plant and animal life. In other news, the Association Board of Directors is keeping a close eye on activities in the area. President Mary Anne Rivers has been asking people to write to the Army Corps of Engineers, urging them to deny a permit to fill in more wetlands in Elk Rapids next to the Preserve. We are trying to help people understand the real importance of the filtering qualities of those wetlands, and the importance of their continuing work to keep our waters clean. Check our web site, [www.elk-skegemog.org](http://www.elk-skegemog.org), for more information about this challenge.

## **Milfoil lake survey conducted**

**LONG LAKE PROPERTY OWNERS ASSOCIATION**

*Arnold Domanus, Secretary/Treasurer*

Last October, we had our milfoil lake survey conducted by Lake Surveyor Barb Gajewski from the Watersmeet Aquatic Nuisance Species Coalition. I am pleased to report that at this time we found no evidence of Eurasian watermilfoil; however, we must keep our vigilance up and

continue to monitor our lake. We have also been providing input to various government agencies voicing our objections to the sale of 7,300 acres of Upper Peninsula Power Company (UPPCO) lands in the Ontonagon watershed, including 2,000 acres at Bond Falls and also land at the Victoria Lake areas. The land was sold to Naterra Land Company from Minneapolis who plans to develop in the total project area 2,000 one- to five-acre lots, do "keyholing" of backlots, install community piers, and clear large parcels of the lake areas. For more information about this, contact Joe Hovel at [www.logcabin@nnext.net](http://www.logcabin@nnext.net).

## **Lake water continues healthy**

**PENTWATER LAKE ASSOCIATION**

**Oceana County**

*Ron Steiner, President*

Members of the PLA Water Quality Committee and other volunteers continued the water quality monitoring program for our lake during the summer of 2005. Samples were analyzed by the Grand Valley State University Annis Water Institute in Muskegon. In summary, the lake continues its "healthy" status with no alarming negative trends being indicated. In other news, the PLA Board of Directors has chosen to move forward with a new watershed management plan involving both branches of the Pentwater River. Also, Pentwater is one of seven West Michigan harbors included as part of \$4 million from the federal government for harbor dredging in 2006. The village is slated to receive \$90,000 for dredging prior to summer, which will greatly enhance opportunities for the local marinas to accommodate recreational activity.

## **New president**

**WHITE LAKE ASSOCIATION**

*Phil Dakin, President*

As the newly elected White Lake Association president, I am interested in continuing the current efforts of improving the quality of White Lake. Several years of toxic chemicals and nutrients entering the lake have degraded the lake quality and it will take many years to improve. There have been cleanups of contaminated areas, but much more is needed.



# NEWS FROM LAKES AROUND THE STATE

A study is underway to determine the nutrient loadings in the lake and nutrient inputs from some specific sources. This study will help direct future work to decrease additional nutrient inputs and dissipate some of the nutrients in the lake system. Excessive nutrients in a lake results in excessive plant growth and decrease in the water quality.

## **40th anniversary**

### **THREE LAKES ASSOCIATION**

#### **Antrim County**

*Bob Bagley, President*

2006 marks the 40-year anniversary of our organization. Plans are underway for a special celebration at our annual meeting this summer. We will have an up-to-date TLA history compiled by the Bushnells available for all current 2006 members. Also, at the December 2005 Board of Directors meeting, goals for 2006 were approved: Complete the water quality modeling projects for Torch, Clam and Bellaire; Continue working with townships to develop water quality standards and encourage use of the predictive water quality model; Expand our leadership role in the water quality modeling of our watershed; Continue to improve our public outreach efforts for all our existing programs; Expand member and volunteer participation in our projects; and Increase our membership to 30% of Torch, Clam and Bellaire riparians, which means doubling our current membership to 800.

## **No Fenton Beach closings**

### **SILVER & MARL LAKES AREA**

#### **HOMEOWNERS ASSOCIATION**

#### **Genesee County**

*Tom Murphy, President*

The Genesee County Health Department monitors water quality at public beaches, especially for E. coli bacteria. In recent years, the City of Fenton beach has been closed numerous times when bacterial levels exceeded the maximum of 300 E. coli per 100 ml (or a 30-day mean average of 100 E. coli per 100 ml). In 2005, there were NO declared emergencies for Silver Lake due to excessive fecal contamination; while Bluebell Beach on Mott Lake was closed for much of the season. In

other news, the Association had a record 179 member households in 2005. We believe the potential residents on the lakes who could become members is almost twice that number. If you have a neighbor who hasn't joined yet, please let the know about the Association!

## **Association voices position on lake access**

### **WALLOON LAKE ASSOCIATION**

#### **Emmet County**

*Gene Thompson, President*

On Jan. 6, 2006, the Petoskey News-Review ran an editorial representing the view of the paper's editorial board. A portion of that stated: "We are pleased to see big progress in the campaign to build a decent public access on Walloon Lake. The Michigan Natural Resources Trust Fund board decided recently to approve Bear Creek Township's request for a grant of just over \$2 million to help fund the purchase of land for a township park at Jones Landing on Walloon Lake. ... This was the second year in a row in which Bear Creek applied for grant money to buy 3.3 waterfront acres at the west end of Gruler Road. The Walloon Lake Association is on record as opposing this project over lake and road congestion issues. Walloon Lake access has long been a county and township recreation goal ..." In response to this editorial, WLA president Gene Thompson presented the following guest commentary for publication (excerpt): "Walloon Lake belongs to everyone. It belongs to riparian owners, as well as non-riparian users. Walloon Lake is a fragile lake because of the many miles of shoreline compared to its water surface area. The WLA has no legal enactment or enforcement authority, nor does it have the ability to 'manage' the lake. Collectively, however, the Association members have the ability to educate, inform and influence users, government officials and the public in general, to take actions that will preserve the lake. ... The Association is against creating a park at Jones Landing adjacent to the launch site because: 1) The North Arm is Walloon's most fragile arm and is the most shallow. 2) The site is in the midst of a residential area. 3) Access to Gruler Rd. off U.S. 131

is not good; this junction has been the site of numerous accidents. 4) While the Park will provide seven parking places for cars with trailers, it will not be policed at night and Bear Creek Township has no plans to supervise it. 5) The launch site itself (ramp and dock) is not part of the proposed park and will not be improved by the grant! 6) The park's swimming area is adjacent to the launch ramp, creating a safety hazard. In our opinion, the best place for an improved launch site is in Walloon Lake Village. It is commercially zoned and easily accessed from a major highway (M-75), which has a 25-mph speed limit (not 55 mph as it is at 131 and Gruler Rd). At issue is what location best serves the people."

## **In memoriam**

### **CEDAR LAKE RECREATION ASSOCIATION**

#### **Van Buren County**

*Vicki and Jim Hosbein, Past President*

Cupid's arrow took aim and captured the soul of our dear friend, Edward J. Hokanson, a lover of life, nature, family and friends. Ed was born in Chicago and lived there for 58 years before he and his wife of 48 years, Donna, moved to Big Cedar Lake in Marcellus. He was an officer of the Cedar Lake Recreation Association the entire 15 years he resided on the lake. Ed was a true champion of clean waterways, studying weed species in-depth, taking crucial readings on a consistent basis to assure water clarity, and attending MLSA gatherings in order to stay abreast of all the latest information on lake protection. Also a defender of riparian rights, Ed played an important part in the passage of legislation that prevents "keyholing" (the attempt to overload waterfront casements with access to many residents through one land parcel). Ed has set a marvelous example for others to follow in order to assure the preservation of our lakes and streams. He will be sorely missed for his warmth, humor and dedication.

## **Water quality report**

### **LAKE SOMERSET PROPERTY**

#### **OWNERS' ASSOCIATION**

*Tony Harsch, President*

We are looking forward to Kieser & As-



# NEWS FROM LAKES AROUND THE STATE

sociates' report on Lake Somerset's water quality to be presented at the March board meeting. Association members are always invited to attend the board meetings on the 3rd Saturday of each month.

## **Aeration report**

### **TWIN LAKES PROPERTY**

### **OWNERS' ASSOCIATION**

*John Roose, President*

Positive results are expected from the first full year of aeration on East Twin Lake. "Good weather conditions allowed us to operate the bubbler system for a full eight months," said Alan Kiriluk, an Aeration Committee member. "This is twice as long as the four months they operated in their inaugural year." The results from both testing and anecdotal reports indicate aeration works to reduce sediment levels and improve water quality. Chuck Walters of Twin Lakes Marina noted seeing a noticeable improvement in the lake.

## **Water, water everywhere**

### **MAGICIAN LAKE IMPROVEMENT ASSOCIATION**

### **Cass County**

*Kay Dukeshner, President*

A major attraction to the Great Lakes area is the abundant water supply. Most Chicago residents use water from Lake Michigan. Here, we use groundwater to supply household water needs. As development increases, activities that could threaten the quality of groundwater also increase. We have stressed the importance of protecting the surface water but have not touched on the importance of protecting our ground water. Removing large quantities of groundwater from storage alters the paths of water flow and may reduce discharges to streams and wetlands. Visit <http://water.usgs.gov>. In other news, if you ride a personal watercraft and you are under 25, you must have taken the water certification class in Michigan regardless of where your home is; everyone 14 to 25 must carry that certificate when operating a craft.

## **Lake quality report**

### **BIG BROWER LAKE**

### **IMPROVEMENT ASSOCIATION**

### **Kent County**

*Gale Satterlee, President*

The water quality for Big Brower Lake is exceptionally good for a small inland lake close to a large metropolitan center. The BBLA has contracted with Professional Lake Management to help make decisions concerning the chemical and biological treatment of the lake. This year, we have decided to take the necessary measurements to determine the Total Water Quality Index – a number that will allow us to compare our quality to other lakes in Michigan. Among other things, PLM conducted a test for chlorophyll A, which gives a measure of the abundance of algae in a water system. The results are not yet in, but this will be an important part of our base-line data collection program.

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## Late-breaking news

### ANOTHER COURT DEFEAT FOR THE HIGGINS LAKE BACKLOTTERS

In an unpublished decision dated April 11, 2006, the Michigan Court of Appeals agreed with the Roscommon County Circuit Court that an ordinance provision adopted by Lyon Township which sought to allow backlot property owners to use boat hoists and permanently moor boats at public road ends was invalid.

The Court of Appeals agreed with the trial court that a municipality cannot by ordinance expand usage rights of a plat dedication, including a public road end at a lake.

Once again, the Michigan appellate courts have rebuked militant backlot owners at Higgins Lake for attempting to turn public road-ends into private marinas. See *Lyon Twp v Higgins Lake Property Owners Ass'n* (decided April 11, 2006, Case No. 265152).

Submitted by Clifford H. Bloom, Esq.  
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