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THE MICHIGAN RIPARIAN

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FROM THE PUBLISHER

Simple Ways to Protect the *Lakes*



There is a lot of talk and general concern about aquatic invasive species. As a primary resource for Michigan waterfront property owners, this issue of The Michigan Riparian has a full-page color guide on page 29 to help you identify invasive plants that may be in your lake.

The Clean Boats Clean Waters program, through its free training throughout this summer, provides an action plan designed to help prevent the spread of aquatic invasive species in Michigan's inland lakes. (Details on page 15).

Several lakes in Leelanau County have taken advantage of this program, as well as the Wolverine Lake Village Council. Their stories ("A Big Leap for Prevention of Invasive Species in the Fourteen Lakes in Leelanau County", page 7, and "Village Paying for New Boat Disinfection Station at Wolverine Lake Access Site", page 23) are great examples about how the Clean Boats Clean Waters program offers a practical, easy way for us to do our part to help protect our lakes.

It was another successful annual conference for Michigan Lake and Stream Associations. Details and photos of speakers and guests can be found on page 17. Plans are already underway for next year's conference in Bay City.

We are pretty excited about our new office location in Stanton. The layout is much more functional and, additionally, fills the need for adequate room for board meetings for The Michigan Riparian and Michigan Lake and Stream Associations.

Enjoy this beautiful summer weather, build lots of great memories with family and friends and think about sending us your pictures, stories and experiences to share with our readers. We love to hear from you.

Sharon Wagner, Publisher

WE MOVED! SAME TOWN, DIFFERENT OFFICE BUILDING

The new address for The Michigan Riparian, and our sister organization,
the Michigan Lake and Stream Associations, is:
300 N. State St., Suite A • Stanton, MI 48888

Baetcke Lake

Contributed by Lisa Izant, President
Baetcke Lake Association

A Little History

Baetcke Lake is located in Livingston County (Genoa Township) just on the outskirts of downtown Brighton on the southeastern side of the state. The lake covers approximately 35 acres with the mean depth of 8 feet 6 inches with the deepest point



being almost 16 feet. It has a total shoreline of nearly 5,800 feet. It is a natural spring-fed lake and very clean. The River Basin is Huron. Being a shallow and clean lake means great visualization of fish, turtles and many other aquatic creatures.

The lake's name is taken from the early families that settled here in Michigan. Gustave Baetcke immigrated to Genoa Township from Germany in 1837. Baetcke purchased the land that houses our beautiful community. Baetcke's son, Guastave J. Baetcke and his family were prominent in Brighton's history and contributed the Baetcke School on the southwest corner of Bauer and Challis. The school

has since been turned into a home. He was also a civil war veteran, and he started the G. J. Baetcke and Company, a banking and insurance business, in downtown Brighton.

The community around the lake dates back to the early 1900's. Most of the homes have been updated; however, there are still many older cottages that have been passed down through the generations. We still have several older residents who remind us of the good old days on the lake and the start of the association.

The lake is very private with a diverse and preserved wildlife. It is so pristine and quiet. The lake has been stocked with a variety of perch, walleye and bass. It makes fishing fun and exciting. It is common to see mallards, wood ducks, blue and white herons, and sand hill cranes. In the spring we can listen to the many species of frogs and the intense bird life sounds. We see turkeys, foxes, coyotes, swans and many geese that migrate in the spring and fall.

There are 38 members of Baetcke Lake Association, which was formed in September 1968. They are a wonderful group of volunteers

How We Got Started

It all began with residents sitting around the kitchen table, discussing their concerns about the private road access and the lake's quality.

(Meetings today still take place in the homes of our residents). Bylaws were adopted in 1975. Through the years the association meetings became a time for getting together with neighbors for potlucks and socializing and having fun getting things done together. Some of things we plan and do include spring and fall clean ups, BBQ's and ice skating on the lake.

The "Baetcke Bugle" was our newsletter, and a great communication tool. However, with the advances in technology, the newsletter has taken E-mail form and is now called the "News From Your Woods". It is filled with eco-friendly tips to help protect our environment and preserve our diverse eco-system and reflects the Association's goals to preserve and protect our lake and community.

Early challenges for Baetcke Lake Association

In the late 1970's a developer wanted to take farm land around the lake and divide it into small one-acre parcels. Through the efforts of BLA, 10-acre parcels are now the requirement, preventing over-development of the land.

In 1985, there was much discussion about the legality of a private road that was shared by lake property owners. The BLA proposed that

Genoa Township maintain its private road through a special assessment to the property owners. The township declined, so the road remains private and the residents continue to resume responsibility to maintain it. Residents volunteer their time to snow plow, grade and gravel, provide salt barrels and trim trees.

The road is used by BLA property owners to get to and from the main road. In 1997-1999 the BLA proposed to the township that they pave its entrance and approximately a quarter mile further in. Working with the township to get approval for a special assessment to pay for the project was a major undertaking AND was successful! It resulted in a big improvement for our residents.

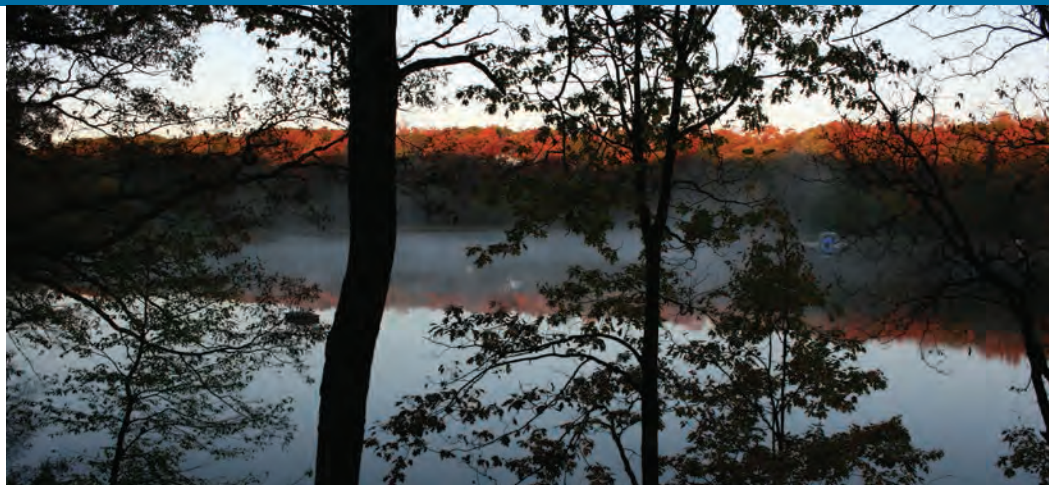
In 2003, a devastating drought was cause for great concern for the lake's water level. The lake level dropped to a record low. Folks who have lived on the lake for decades said the level had never been so low. Residents



*Baetcke Lake on July 30, 2003
... no turtles to be seen*

were worried the lake level could not be regained, and the lake would become a wetland.

Not wanting to depend on of the whims of the weather, that August BLA formed a Lake Level Committee to explore possible solutions. Using



Beautiful Sunrise

an augmented well to maintain the lake water level was suggested, and it was a controversial subject indeed. Costs were a major factor for the residents.

A critical turning point came when a neighbor stepped forward and offered his vacant lot as a well site and significantly lowered the riparians' individual costs. The well was drilled in mid-July 2005, although the lake level had returned to normal in the spring of 2004. It was agreed that installation of the augmented well would be critical in providing a safety net if needed in the future.

The well maintains the appropriate level of the lake during dry seasons, usually in July and August. It works like a charm, and it's beautiful. It not only gives us the ability to prevent unacceptable lake levels, invasive species and out of control weeds, it makes it possible to keep the lake clean and the fish stocked. The BLA takes responsibility for monitoring the lake levels. The cost of operating the well is integrated into the annual budget. The electric bill is the only major expense after the initial investment.

Years ago, the BLA purchased a small weed cutter called "The Green

Monster" to control weeds. Many riparians devoted a lot of time cutting the weeds. Eventually, in need of major repair, the BLA finally retired The Green Monster, and for over 10 years no weeds were cut. Due to the small size of our lake, weed cutting options are limited. We found a company in July 2011 that had the right equipment. The machine is multi-functional and works on land, water and in-between. It works



Dry Docks 2003

perfectly for Baetcke Lake and gets the job done.

Our lake association has proven itself by its response to major concerns through its ongoing and consistent approach to addressing the issues that impact us: lake

(Continued on page 6)

Baetcke Lake (Continued from page 5)

preservation, which includes monitoring and testing for all possible pollution; invasive weed control, lake levels, water activity regulations, and use and maintenance of roadways. It was formed for the mutual benefit of the lake property owners to provide consistent and fair policies regarding easements, restriction of firearms, building restrictions, pet control, preservation of wildlife, property maintenance, and developing fishing potential. Our goal is to keep our community safe and well-maintained.

What's most important about our lake association is that it strives to serve the residents. Our constant goal is to develop a community of neighbors who care about each other and work together to improve this very special area we all call home. The lake and surrounding area are so beautiful and pristine. Preserving its natural beauty is something we all need to do, so Baetcke Lake will be here for all us to enjoy well into the future. Working together, as we have over the past many years, **WORKS!!!!**

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A BIG LEAP for the Prevention of Invasive Species in the Fourteen Lakes of Leelanau County

by Sarah Litch

Glen Lake Association, Water Quality Co-chair

The 14 major inland lakes of Leelanau County are an important fishery for the tribe and other citizens of our county as well as for visitors and summer residents. The beauty and health of the land and the quality of the lakes of Leelanau County are also very important as a major economic base of the community for tourism, fishing, boating, swimming and other recreation. There is a great need to keep the water of Leelanau Lakes as pristine as possible. Eurasian milfoil and other invasive plants are a major threat to our waters. Zebra and Quagga Mussels endanger the quality of the fisheries of Leelanau County's inland lakes by consuming massive amounts of zooplankton which is food for our favorite sports fish. They also make beaches less than desirable with the pile up of their sharp shells and by fertilizing the green algae, *Cladophora*, which harbors *E. botulinum* and travels through the food chain and poisons fish, birds, and mammals. Zebra and Quagga mussels do not favor blue-green algae so it is concentrated in our lakes and produces *microcystis* which produces a toxin that is a health threat to humans and animals. To protect Leelanau County's inland lakes from these threats, a \$9,928 grant from the Ottawa-Chippewa Indians allowed us to make a giant leap forward in protecting the lakes of Leelanau County.

A Boat Wash Workshop was held to give technological information and resources to residents and community members of all 14

major inland lakes in Leelanau County enabling them to plan for a boat wash at the end of one major road-end on their lake. Twenty-one people attended with seven lakes represented. This is the first of many planning sessions needed to establish another recreational watercraft wash system in the county. The Little Glen Lake DNR site with its upgraded wash system carried out by this grant provides a model for the county. Using money from this grant, the cold high pressure wash at the MDNR boat ramp on Little Glen Lake was changed to a hot powerwash via a *Hotsey High Pressure Wash Rig* using propane for a heat source. This provides a prototype of technology to decrease the quantity and variety of invasive species introduced into Leelanau Lakes and to destroy VHS (viral hemorrhagic septicemia) and other invasive species. A self-powerwash was also added for hours when the wash station is not staffed. This was an addition the Glen Lake Association has wanted to establish at the DNR boat launch on Little Glen Lake for a long time. This grant gave the Glen Lake Association the impetus to improve their well, electrical system, plumbing, and an addition to the Boat Wash Building at the site, as well as the self-wash and heated system. This was a great step forward. Approximately 3,000 recreational watercraft are launched at the Little Glen DNR site per year, and the staff determines via a standard questionnaire if the boat/recreational watercraft needs to be



Glen Lake Boat Wash employees Paul Hall and Sallyanne Morris.

washed. After hours when the site is not staffed, the self-wash feature is available and encouraged by signage.

Now that Little Glen Lake has a self-boat-wash that does not have to be staffed, which was established under this project, more lakes may be interested in establishing a self-wash rather than a staffed wash which is considerably more expensive. An invitation will be extended to all lake associations in Leelanau County to visit the upgraded wash system on Little Glen Lake at the DNR launch site this coming summer.

As part of the grant, Keegan Designs of Traverse City was contracted to do the graphic work for new road end signs and pamphlets where recreational watercraft are launched in Leelanau County. The Leelanau Clean Water Invasive Species Committee agreed on the language and points of instruction on these signs and pamphlets. New signs and information pamphlet holders were installed at road ends and boat

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A BIG LEAP for the Prevention

(Continued from page 7)

launches for washing recreational watercraft and equipment on Little and Big Glen Lake. Cedar Lake and Little Traverse Lake requested the signs and pamphlets. These signs/pamphlets are available for any lake in Leelanau County. The lake association information on the back side of the pamphlet can be changed via a sticker or at Copy Central for a small charge.

An Invasive Aquatic Plant Survey Workshop directed by Dr. Jo Latimore from Michigan State University was held to educate volunteers from all of Leelanau County's major lakes on the importance, strategies, and protocol of doing annual Aquatic Plant Surveys of their lakes. Expert advice was shared on how to collect samples, identify, press and preserve these samples as well as mark locations with a GPS if Eurasian milfoil, Hydrilla, Curly leaf pondweed, Starry Stonewort, and other specified invasive aquatic plants are found. Twenty-three attended this workshop. Leelanau County Lakes that are now doing Exotic/Invasive Plant watches include: Little/Big Glen, Little/Big Fisher, Brooks, North/South Bar, North/South Leelanau, and Cedar Lake. Additionally 55 other individuals were mentored in Aquatic Plant Survey protocol. Sleeping Bear National Lakeshore personnel were represented at this workshop. They monitor selected lakes within the park.





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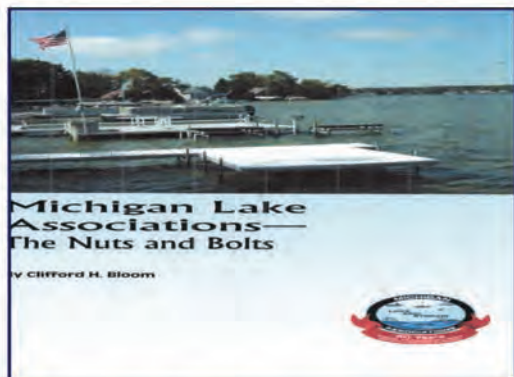
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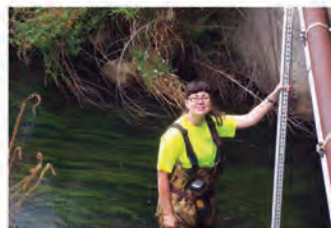


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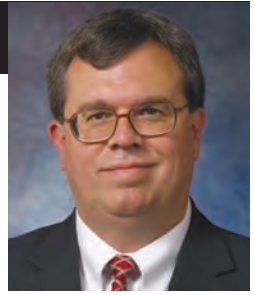
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What is a deed restriction? Is a deed restriction the same as a restrictive covenant, covenant, or plat restriction? In general, all of those words and phrases involve the same concept. I will refer to all of those restrictions in this article collectively as "deed restrictions."

Deed restrictions are rules and regulations that govern one or more lots or parcels of land. Deed restrictions "bind" land. Typically, a deed restriction is created in a document that is recorded with the county register of deeds records where the property is located. Most deed restrictions are permanent and "run with the land;" that is, they generally bind all current and future owners of the lot or parcels involved.

Deed restrictions can only be created with the written consent of the owner of the lot or parcels involved at the time the deed restrictions are created. In most cases, deed restrictions constitute a comprehensive set of regulations imposed by a land developer when creating a plat (sometimes called a subdivision), condominium development, multi-parcel land division, or other development. However, any property owner can impose deed restrictions on one lot or numerous parcels of land owned by that individual before the lot or parcels of land are sold to third parties.

In most cases, deed restrictions are negative or restraints on the use of

land ("Thou shalt not...."). Typical deed restriction regulations include prohibitions on mobile homes, junk, commercial or business activities in a residential area, dwellings under a certain size, further dividing the lot involved, multi-family use, nuisances, farm animals, or large pole barns. Other deed restrictions can be "positive;" for example, deed restrictions that indicate that a property can be used for horses, home occupations, or farming. Still other deed restrictions are relatively "neutral;" for example, the setting up of a mandatory property owners association and the imposition of annual dues or assessments.

The overwhelming majority of properties in Michigan are not subject to any deed restrictions. Deed restrictions are private contractual matters that bind real estate. If none of the prior owners of the lot or properties involved imposed any deed restrictions, they do not exist. Prior to buying any property, a prospective purchaser should obtain either a title search or title insurance commitment by a reputable title insurance company in order to determine whether the property at issue is subject to deed restrictions, and if so, the nature of the deed restrictions involved.

In general, deed restrictions are enforceable in Michigan. See *Bloomfield Estates Improvement Ass'n, Inc v City of Birmingham*, 479 Mich 206 (2007). Furthermore, the

penalty for violating deed restrictions can be quite severe. On occasion, the Michigan courts have ordered that dwellings or buildings be torn down that do not comply with mandatory setbacks or other deed restrictions. See *Webb v Smith (After Second Remand)*, 224 Mich App 203 (2007); *Bloomfield Estates Improvement Ass'n, Inc v City of Birmingham*, 479 Mich 206 (2007); *Thom v Palushaj* (unpublished decision by the Michigan Court of Appeals dated February 12, 2012—Case No. 301568).

In general, deed restrictions protect property owners and property values. If you are purchasing property in a deed restricted development or community, the deed restrictions represent somewhat of a guarantee that certain matters will not occur. As with any contract, however, deed restrictions are not infallible.

Even a non-developer property owner who is splitting a parcel into several lots for sale or is selling a lot next to the landowner's dwelling may want to consider imposing deed restrictions on any lots or properties sold (particularly if the landowner intends to keep one or more of the adjoining lots or lots in the area). For example, if you are going to sell the parcel next to the lot with your dwelling (which you will keep), you may want to consider imposing certain deed restrictions on the lot to be sold (for example, that the lot to be sold cannot have a mobile

(Continued on page 12)

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MWA

Summer 2012

The Michigan Waterfront Alliance and Michigan Lake and Stream Associations are strong allies; and, by working together, they can make good things happen.

All members of both organizations were asked to contact their respective Senators and Representatives in regard to the road end legislation that was introduced last fall and winter. AND THEY DID!!

As President of the MWA, I testified before the Senate Committee; and ML&SA Executive Director, Scott Brown, testified before the House Committee to get the road end legislation brought to a vote. It passed both the Senate and the House by very wide margins; and on May 1, 2012, Governor Rick Snyder officially signed the bill into law!

The Michigan Waterfront Alliance is building strong relationships with individual lake associations. The history of road end abuse on Michigan's inland lakes goes back a very long time. For many years the principal group standing up against the public right of way for ingress and egress at public road ends has been the Higgins Lake Property Owners Association. In regard to the road end legislation just signed into law, it was the HLPOA who led the charge through the tireless efforts of their president, Pat Springsted. The HLPOA lobbyist Public Affairs Associates coordinated the lobbying efforts of the MWA lobbyists, Scofes and Associates and the Walloon Lake Association lobbyist,

Kelly Cawthorn. It is through this team approach that we have proved that the welfare of Michigan's lakes and streams can be enhanced through the efforts of those who have the strongest interest in Michigan's lakes and streams-Michigan's waterfront owners.

We look forward to the same kind of teamwork as we approach threatening challenges such as invasive plant and fish species, swimmer's itch, organic phosphorus control, and the Michigan Waterways Commission policy of buying lakefront property and installing public access sites without taking responsibility for the introduction of invasive plants and fish species through those very sites!

Sincerely,
Bob Frye, President, MWA

"You **CAN'T** Do That!" (Continued from page 10)

home located thereon, there can be no barking dogs, and no commercial or business uses will be allowed to occur thereon). Anyone seeking to impose deed restrictions on any property should retain the services of an experienced real estate attorney.

Common deed restrictions can regulate the following areas:

- Types of housing
- Single-family residential dwellings only
- Proper usage of the waterfront
- Setbacks
- Minimum house size
- Maximum accessory building size
- Prohibition on selling or transferring property to governmental units or for public use
- Easements and usage for easements
- Property owners association
- Dues or annual assessments

- No nuisances
- Limits on pets
- Architectural rules (and mandatory review and approval of all structures by a committee)
- No livestock
- No further splits or land divisions
- No outdoor storage of junk, RV's, trailers, etc.
- Required building exterior materials
- Mandatory compliance with local government zoning regulations and building codes

A common misperception among laypeople is that if a deed restriction is not stated or referenced in the deed to land that you purchase, even if there was an earlier deed restriction binding the land, it will no longer be applicable to you. That is incorrect. Once a deed restriction is properly recorded, it remains in the "chain of title" for the property involved forever (or until the time limit specified in the deed restriction, if any), regardless of whether or not later deeds to

the property mention or reference the deed restriction. In some cases, deed restrictions can lie dormant and unknown for years regarding one or more properties, but could potentially still be enforceable.

Deed restrictions are a serious matter. They can either help protect one's real estate or prove to be a nightmare when they prevent another person from using their land the way they desire.



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

Duckling Rescue! Good Samaritans Save Fuzzy Brood

As Tina Miller and Jean Darnell drove north on East Beltline Avenue Saturday morning, they saw a duck pacing near a storm grate in the median. Immediately, they knew they had to stop. Their scheduled horse ride would have to wait.

They figured it was a female duck whose babies had dropped down the grate—and they were right. It took a couple of hours of searching down two manholes near Bradford Street—using a makeshift scoop fashioned from a metal gutter cleaner, plastic cup and hair tie at one point—but it ended with success.

With the help of Grand Rapids Sewer Department maintenance worker Chad Reul and a Kent County sheriff's deputy who controlled traffic, all five ducklings were rescued. The mother and ducklings apparently were trying to cross the busy Beltline, just north of I-96, when the ducklings disappeared down the grate at the edge of a turn-around.

"I had to do something," Miller said. "I couldn't just drive away." Darnell agreed. "I'm a mother. You have to save your children," she said.

The two used the makeshift scoop at first, then Reul arrived with a sewer truck and lifted the heavy grate. Miller did her best imitation of a mother duck's cry to try to coax the

ducklings their way, and two were rescued there. The other three ducklings had migrated down a pipe to a second sewer access point in a grassy spot in the median.

Reul lifted that manhole and the three were saved—but only after he flushed some water through the underground pipe to force them toward the manhole basin.

Another Good Samaritan, Jennifer Poth, stopped after seeing the commotion and helped get the ducklings out. Reul said sewer department workers respond fairly frequently to reports of ducklings that have fallen down drains. This was the second in the last two weeks, he said.

As for the mother duck and her babies? They were last seen nestling under a pine tree on church property, but still not far from the busy road.

John Tunison
Grand Rapids Press, June 3, 2012



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Email: info@mi-riparian.org
Mail: The Michigan Riparian
300 N. State St., Suite A,
Stanton, MI 48888

Question — What is the legal maximum distance a swimming raft can be placed from the shore? — Sandy

Answer — Anchored rafts present a hazard to navigation if they are permanently or temporarily anchored beyond the longest shoreline based structure (for example, beyond the longest dock on the lake). Rafts anchored beyond that point must have sufficient navigational markings and/or warning lights (as well as legal identification markings) to prevent boats that are navigating a body of water at night from colliding with the raft. Public Act 101 of 2010 allows law enforcement and DNR officers to remove rafts that present a navigational hazard to marine traffic at the owners expense.

(The bottom line: If you have positioned a raft in the navigable waters of Michigan in such a manner that provides a hazard to navigation, and a boating accident occurs as the result of your actions, you will be held fully liable for any property damages, injuries or deaths that occur as as result of the accident.)

Here is Public Act 101 in its entirety:

324.80163 Anchored raft or other item or material; relocation or removal as navigation hazard; costs; failure to pay; lien.

Sec. 80163.

(1) If an anchored raft or other item or material, whether floating free or attached to the bottomland or a shoreline, presents a hazard to navigation, the department or a peace officer with jurisdiction over the body of water where the anchored raft or other item or material is located may relocate or remove it or may order its relocation or removal.

(2) The person who owns or who caused a navigational hazard that is relocated or removed under subsection (1) is liable to pay the actual and reasonable costs of relocation or removal. The department or the law enforcement agency with jurisdiction over the body of water where the navigational hazard was located may send written notice of the relocation or removal under subsection (1) and the associated costs to the person determined to own or to have caused the navigational hazard. If the owner or person who caused the navigational hazard fails to pay the costs within 30 days of the date the written notice is mailed, the costs may become a lien against the person's property.

by Scott Brown, ML&SA Executive Director

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Clean Boats, Clean Waters Program Offers Free Trainings to Citizens to Help Prevent the Spread of Aquatic Invasive Species in Michigan's Inland Lakes

Contact: Jo A. Latimore, Ph.D., Outreach Specialist (MSU F/W) Latimor1@msu.edu; 517-432-1491

Did you know there are nearly one million watercraft registered in the state of Michigan? It comes as no surprise that boating is one of the most popular recreational activities in the state. Unfortunately, invasive non-native plants, fishes, and other organisms interfere with the enjoyment of using our inland lakes and cause significant damage to our boating equipment.

Boaters unintentionally spread aquatic invaders from one body of water to another when invasive species hitch a ride on their recreational water equipment. Fortunately, most boaters want to help prevent the spread of these invasive species but some are unfamiliar with the simple steps they should take each time they leave the water.

The easiest way to insure you are not spreading aquatic invaders is to inspect your equipment and remove plants, mud, and fish before leaving a body of water. Also, by draining water from equipment before transporting it, you are insuring that no microscopic invaders are unintentionally spreading to the next body of water you are going to. Remember never to release fish or plants into a different body of water then it came out of.

Would you like to be a part of keeping our lakes free of invasive species?

Come be a part of the Clean Boats, Clean Waters program this 2012 boating season! The Clean Boats, Clean Waters program is designed to educate water enthusiasts about preventing the spread of invasive species. Clean Boats, Clean Waters is a volunteer program conducted by Michigan Sea Grant, with support from the federal Great Lakes Restoration Initiative. A Clean Boats, Clean Waters volunteer identifies non-native species, inspects watercraft and equipment, demonstrates cleaning techniques for boats and trailers and shares educational information about invasive species with the public. Volunteers can have a huge impact in Michigan's efforts to prevent the spread of invasive species.

Participants in Michigan's 2012 Clean Boats, Clean Waters program will be trained for success! Volunteers that attend free workshops around the state will learn how to properly inspect equipment and will be trained on how to conduct a boater education program in their community. Each volunteer who attends a training receives a Clean Boats, Clean Waters handbook and lake associations are given a resource kit that contains educational materials, invasive species identification cards, watercraft inspection stickers, and T-shirts that can be worn when out at boat launches.

Thanks to federal support through the Great Lakes Restoration Initiative, there is no charge during the 2012 boating season to individuals or lake associations who would like to become involved, however this is the last year for this opportunity to be completely free. To learn more about this program please visit us on the web at <http://www.miseagrant.umich.edu/cbcw/index.html>. If you or your lake association are interested in forming a Clean Boats, Clean Waters volunteer team in your local area please contact us at CBCW@msu.edu or by telephone at 517-432-1492.



MICHIGAN LAKE & STREAM ASSOCIATIONS, INC.

ML&SA NEWSLETTER



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Michigan Lake and Stream Associations

51st Annual Conference

Boyne Mountain Resort • Boyne Falls, Michigan
April 27th & 28th, 2012

"Promoting the Role of Local Government in Protecting Michigan's Water Resources"

by Scott Brown, ML&SA Executive Director

The Michigan Lake and Stream Associations extended family is proud to report that over two hundred and fifty enthusiastic lake and stream stakeholders sojourned to the Boyne Mountain Resort on April 27th and 28th, 2012 to contribute to the success of our 51st Annual Conference. This year's conference attendees were treated to two lively discussion and event filled days dedicated to both celebrating and learning more about Michigan's treasure of inland freshwater resources.

This year's conference participants enjoyed several outstanding lake and stream focused workshops, forums and breakout sessions presented by a host of distinguished professionals representing state government, non-governmental organizations, academia and private industry. Michigan Lake & Stream Associations appreciates the time, energy and effort of all of our workshop, forum and session presenters!

Our 51st consecutive annual conference kicked off on Friday morning with an exceptional plenary session facilitated by Bloom Sluggett Morgan Law attorney Cliff Bloom and by Paul Sniadecki, Eagle Lake Improvement Association President. Cliff and Paul effectively addressed the overall legal authority of local governments to manage natural resources and provided a comprehensive review of the current status of local government involvement in protecting freshwater resources as well as a discussion of the immense local government "involvement" gaps that exist in Michigan. Michigan Lake and Stream Associations is committed to helping bridge the large lake and stream and associated resources management gaps that exist at the local government level throughout Michigan.

On Friday afternoon, Ralph Bednarz, MI DEQ Water Resource Division and Michigan Clean Water Corps (MiCorps) manager (retired), facilitated a comprehensive inland lake water quality forum highlighting presentations by Dr. Jo Latimore, MSU Department of Fisheries and Wildlife Lakes, Streams and Watershed Outreach Education Specialist, who discussed the contributions made by the now thirty seven year old Cooperative Lakes Monitoring Program; Lori Fuller, USGS Michigan Water Sciences Center scientist, who presented a detailed discussion of the water quality characteristics of inland lakes; and by forum facilitator Ralph Bednarz, who presented an overview of the 2007 national inland lakes assessment. Many thanks to Ralph, Jo and Lori for all of their time and effort in providing our conference attendees with one of the most comprehensive inland lake water quality forums ever presented at a Michigan conference!

MICHIGAN LAKE & STREAM ASSOCIATIONS, INC.

ML&SA NEWSLETTER



We also offer a hearty ML&SA thank you to our own Jennifer Jermalowicz-Jones, Lakeshore Environmental inland lake scientist and MSU Ph.D. candidate, for her outstanding presentation entitled “A Proposed Model Framework for the Capacity of Local Municipalities to Effectively Manage Inland Lakes in Michigan”. For a state in such dire need of a viable and integrated approach for managing our wealth of inland lakes, Jennifer’s presentation symbolizes a bold and innovative approach which is worthy of substantive exploration and consideration!

We were proud to welcome one hundred and twenty five attendees to our 51st annual banquet which took place on Friday evening. Immediately following the outstanding dinner that was so carefully provided by the Boyne Mountain Resort, we took time out to recognize the outstanding contributions of Ralph Vogel, senior CLMP volunteer; Cliff Bloom, veteran ML&SA legal counsel; and Mr. Paul Sniadecki, Eagle Lake Improvement Association President. Please read the articles in the ML&SA Newsletter section of this edition of The Michigan Riparian for more information about these exceptional folks and the ML&SA honors that they each received at this year’s annual banquet. ML&SA would like to thank everyone who joined us at this year’s outstanding banquet! And, a special thanks to Cliff for again serving as our Master of Ceremonies!

The Saturday phase of our 51st Annual Conference was full of outstanding workshops and sessions. We are grateful to Howard Wandell, McNALMS Executive Director, for his time and effort in holding

a “Developing a 1st Order Lake Management Plan Workshop” for several lake associations and groups who had accumulated a meaningful database comprising inland lake monitoring data from their long participation in the Cooperative Lakes Monitoring Program. It is our fond hope that the folks who attended this outstanding session will take the information provided by Howard and follow up by creating a basic management plan for their respective inland lakes.

Our Saturday general topic sessions were no less impressive – attorney Cliff Bloom presented an outstanding session focused on his new book entitled “Buying and Selling Waterfront Property in Michigan” and Kevin Walters, Michigan DNR Wildlife Biologist, presented a interesting and useful session focused on the aquatic invasive species found in Michigan inland lakes. Thanks to Cliff and Kevin for their commendable efforts!

Following a tasty buffet lunch provided by Boyne Mountain Resort, Gary Crawford, Senior Scientist, Environmental Consulting and Technologies, Inc. of Ann Arbor, provided a unique and interesting look at one of the newest aquatic invaders in Michigan – Starry Stonewort. Gary’s presentation provided a broad study of this invasive macro-alga which has threatened the aquatic ecosystems of over 200 Michigan inland lakes as of the spring of 2012. In a concurrent session, Raymond “Gator” Gates, Associate Professor of Biology at Cornerstone University of Grand Rapids, provided attendees a lively and colorful session focused on the great diversity of life to be found in Michigan streams. Moreover,



Paul Sniadecki, Eagle Lake Improvement Association, discusses local lake friendly workshop.



Dr. Jo Latimore, MiCorps staff scientist, confers with a CLMP student.



Stacy Daniels of Crystal Lake (right) with Ralph Bednarz, of MI DEQ.



Randy Cook (right), ML&SA educator, shares a laugh with Bre and Dusty Grabill from PLM.

(Continued on page 18)

MICHIGAN LAKE & STREAM ASSOCIATIONS, INC.

ML&SA NEWSLETTER



(Continued from page 17)

Mark S. Kieser, Senior Scientist, Kieser and Associates, provided attendees with an informative and uniquely detailed look at an inland lake engineering project which his company managed within the Cedar Lake watershed. Michigan Lake and Stream Associations would like to formally thank Gary, "Gator" and Mark for their excellent contributions to our annual conference!

Finally, Michigan Lake and Stream Associations would like to thank everyone who contributed to our annual conference as an attendee, exhibitor, speaker, co-sponsor or general contributor for your efforts in helping to make our 51st Annual Conference a big success! We look forward to seeing you again next year at the Double Tree-Riverfront Conference Center located on the Saginaw River in Bay City!



Howard Wandell, McNalms Executive Director, facilitates a Lake Management Plan Workshop.



Sue Vomish, ML&SA president at 51st annual banquet.

Paul J. Sniadecki Recipient of the ML&SA "Riparian of the Year" Award for 2012

by Scott Brown, ML&SA Executive Director

Michigan Lake and Stream Associations has presented its 5th annual "Riparian of the Year" award to Mr. Paul J. Sniadecki. The annual award was created to recognize individuals, lake associations or groups for outstanding leadership, teamwork and dedication in preserving and protecting Michigan's high quality freshwater heritage for future generations. Paul currently serves as President of the Eagle Lake Improvement Association and is currently spearheading an important statewide project focused on identifying and documenting model inland lake ordinances on behalf of the DEQ led Michigan Natural Shoreline Partnership and ML&SA.



Veteran MiCorps CLMP Volunteer Ralph A. Vogel

Receives Michigan Government Service Award

by Scott Brown, ML&SA Executive Director

The Michigan Clean Water Corps (MiCorps) has awarded Mr. Ralph A. Vogel a Michigan government service award in recognition and appreciation for over thirtyseven years of outstanding service and dedication to the mission and goals of the Cooperative Lakes Monitoring Program.

Ralph began his nearly forty year service as an inland lakes monitoring volunteer in the spring of 1974 and decided to "hang up his Secchi disk" following the completion of the 2011 season.



Mr. Bill Dimond (left), DEQ MiCorps Program Manager, proudly presents Ralph with this prestigious award.

The Michigan Clean Water Corps and Michigan Lake and Stream Associations also presented Ralph with a unique lake art plaque reflecting the depth soundings of Corey Lake.

MICHIGAN LAKE & STREAM ASSOCIATIONS, INC.

ML&SA NEWSLETTER



Clifford H. Bloom, Recipient of the ML&SA Masters Jacket Award

ML&SA Chief Legal Counsel Winner of 2012 Honors at Annual Conference

by Scott Brown, ML&SA Executive Director

Michigan Lake and Stream Associations is proud to announce that Mr. Clifford H. Bloom is the recipient of the Masters Jacket Award for 2012. The award was created many years ago to recognize and honor the significant achievements and contributions of individuals directly serving and/or closely affiliated with Michigan Lake and Stream Associations.

Initially recruited in 1992 by former Executive Director Donald E. Winne to serve as the chief legal counsel to ML&SA, Cliff has provided thousands of hours of legal and organizational support to both Michigan Lake and Stream Associations and the Michigan Lakes and Streams Foundation. Moreover, Cliff has contributed hundreds of widely read articles regarding Michigan riparian rights and water law which have appeared quarterly in The Michigan Riparian Magazine. This gentleman's gentleman and highly accomplished University of Michigan Law School trained super barrister has also provided direct support to our membership by answering thousands of legal questions for riparians and has held dozens of well-attended sessions at our annual conferences and various seminars throughout the state in support of ML&SA.



Jean Roth, ML&SA/MiCorps CLMP Program Administrator, congratulates Cliff Bloom, 2012 ML&SA Masters Jacket award recipient.



Michigan Clean Water Corps



MiCorps

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- Building a constituency of citizens to practice sound lake management at the local level and foster public support for lake quality protection.
- Providing a cost effective process for the MDEQ to increase baseline data for lakes state-wide.

Enrollment for the Cooperative Lakes Monitoring Program 2013 season begins on October 1.

Contact Program Administrator, Jean Roth at 989-257-3715 or e-mail jroth@mlswa.org. To enroll on-line visit www.micorps.net



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WHY I LOVE MY LAKE

By Bonnie Page
Twin Lake POA
Lewiston, MI
February 2, 2012

Bonnie Page serves as a board member for Twin Lake Property Owners Association in Lewiston, MI. Her interview was published in the TLPOA newsletter in February, 2012. Here are excerpts from that interview.

Meet the Board Member...

Bonnie Page

When did you first visit Lewiston?

We discovered Lewiston via an internet search for lakefront property in Northern Michigan in 2003. We bought our cottage on our first visit, originally as an investment. We lived on a lake downstate and loved the lifestyle. After spending a couple summers visiting on weekends we fell in love with the small town atmosphere and moved to Lewiston, making it our permanent residency in 2007.

What do you love about the Lakes?

Everything! We love the peace it provides during the week. We like the energy it has on the weekend. We enjoy the opportunity to be up close and personal with nature. We appreciate the ability to see the seasons change in a dramatic fashion along the shoreline. And finally, we love the friends and neighbors we have met and that we are fortunate to share this precious resource with.

What is your favorite season on the Lakes?

We like the spring because we enjoy anticipating the day the ice will go out and the dock will go in. Plus, after all these years the excitement of the "first" boat ride of the year has never diminished. We also enjoy the fall, especially when we get that unexpected perfect day, where the air is warm and still, the colors have started to change and the sunset provides a perfect backdrop for dinner on the patio with friends. But summer still reigns supreme, when the sunrises early and sets late. We enjoy the TLPOA events, especially the Summer Beach Concert... We love to run, bike, walk and boat around the lakes.... We love to have bonfires by the lake and enjoy gazing at the Milky Way. There is nowhere in the world we'd rather be than Northern Michigan in the summer!

Why are you involved with the TLPOA?

I have always enjoyed being engaged in the community where I live. TLPOA provides me an opportunity to volunteer for an organization that promotes the health of our lakes and thereby has a positive impact on our community. I appreciate the increased knowledge I have gained and the friends we have made. Hopefully my small contribution to TLPOA will make this part of the world a better place for future generations.

Archibald Jones Day (200th Birthday Party!)

Crystal Whitecaps Newsletter
Crystal Lake & Watershed Assoc.
Winter 2012

The second annual Archibald Jones Day was held Saturday, August 27, 2011, in downtown Beulah, to celebrate the "man who pulled the plug at Crystal Lake". This festival commemorated the epochal event of 1873 in our local heritage which greatly influenced the

future development of Crystal Lake and Benzie County. It is cosponsored by the CLWA, the Beulah Boosters, the Darcy Library, the Crystal Lake Community Business Association, the Friends of the Benzonia Library, and the Benzie Area Historical Society. This year we celebrated the 200th birthday of Archibald Jones (b. 14 Sep 1811, Petersburg, Rensselaer, NY). A special lecture on the "Tragedy/ Comedy" of Crystal Lake and the Role of Archibald Jones was presented by Stacy L. Daniels on Friday, August 26th at the Darcy Library in Beulah, followed by a popularized version by Steve Elrick on Saturday, August 27th. The festivities included 1870's-period games for children, music

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(Send pictures in jpeg or 300 dpi.)

(including the original ballad, 'Mistake by the Lake' by "Doc" Stewart), food for all, and a reenactment of the "Tragedy". Special awards of one share of stock in the Benzie County River Improvement Company (BCRIC) were presented to Barbara Bartlett (Archibald Jones' great great granddaughter), the Case Family (accepted by Elizabeth Case), Joe Evancho, Harold and Linda Saffron, and Florence Bixby. Early in the morning of August 23, 1873, in an ill-fated attempt to create a navigable channel between Crystal Lake and Lake Michigan, Archibald Jones' Benzie County River Improvement Company inadvertently caused the level of Crystal Lake to be lowered by 20 feet! This tumultuous event resulted in Crystal Lake losing 25% of its water volume (76,000,000,000 gallons), and reducing its surface area by 25% (3,093 Acres)! Crystal Lake is still the 9th largest inland lake in Michigan with a surface area of 9,854 and a volume of 242,000,000,000 gallons of water! The event most probably occurred as a result of the whitecaps of Crystal Lake washing out a temporary dam intended to be part of a slack-water canal with locks. While unsuccessful

from a navigational standpoint, the drawdown created a 21-mile perimeter of sandy beach and prime recreational area around Crystal Lake where 1,100 cottages and the Village of Beulah are now located. The "Tragedy"/"Comedy" of Crystal Lake is forever preserved in the exposed terrace of sandy beach, the perimeter roads and trails, the deep water sediments, and the outwash plain along the outlet.



Barbara Bartlett receives a replica stock certificate from the Benzie County River Improvement Co.



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A NEW BOOK FROM THE MICHIGAN LAKE & STREAM ASSOCIATIONS, INC.

BUYING AND SELLING WATERFRONT PROPERTY IN MICHIGAN

AUTHORED BY GRAND RAPIDS ATTORNEY
CLIFFORD H. BLOOM

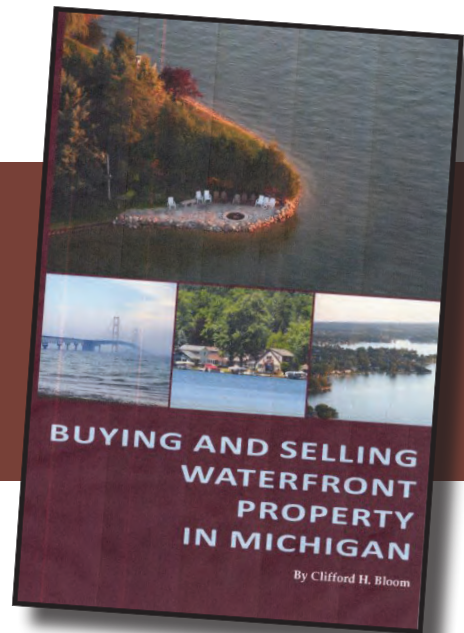
The Michigan Lake & Stream Associations, Inc. ("ML&SA") is pleased to announce its new book entitled *Buying and Selling Waterfront Property in Michigan* by Grand Rapids Attorney Clifford H. Bloom. This is the second book from ML&SA, the first being the 2009 book called *Michigan Lake Associations—The Nuts and Bolts* (also authored by Cliff Bloom).

This new book is a "must" for anyone who is interested in waterfront property in Michigan. The list of people who should purchase the book includes not only riparians (and would be riparians) but also realtors and real estate agents, attorneys, government officials, surveyors and teachers. This book is a "how to" publication that deals with numerous real estate and waterfront issues, including:

Riparian issues
Due diligence
The purchase/sales agreement
Contingencies

Inspections and inspectors
Financing
Surveys
The closing
Title insurance
Deeds and land contracts
Buildability
Real estate forms
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The purchase price is \$20.00 plus postage. Bulk rates are available. The following is an order form that you can use to purchase one or more copies of the new book. If you are interested in obtaining pricing for group or bulk purchase



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Everyone at ML&SA is excited about *Buying and Selling Waterfront Property in Michigan*. The book will also make a good birthday, graduation, holiday or other event gift to anyone who is interested in waterfront issues in Michigan.

To order *Buying and Selling Waterfront Property in Michigan*, please complete and mail the order form with payment to:

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300 N. State Street, Suite A
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Village paying for new boat disinfection station at Wolverine Lake access site

by Leslie Shepard-Owsley
Oakland Lakefront Newsletter
May 2012

An Oakland County lake has jumped into the forefront of a movement to erect boat disinfection stations at launch ramps as a means to help mitigate the proliferation of viral hemorrhagic septicemia (VHS) and other potentially fatal fish pathogens. At the same time, use of the disinfection stations may help curb or even prevent the spread of invasive aquatic species such as Eurasian watermilfoil and zebra mussels.

The Wolverine Lake Village Council has accepted the terms of a contract with the Michigan Department of Natural Resources (DNR) to erect a boat disinfection station at the department's Wolverine Lake public access site.

"Essentially the village will install, maintain and carry a level of insurance for the station," said Village Council President John Magee.

The station is akin to a large containment tank filled with a chemical solution that is disbursed through a hand-held spraying unit. The station will need to be managed by volunteers who will fill the tank with the solution and educate people on its use.

The main goal of the disinfection stations is to prevent the spread of VHS, a highly-contagious disease that affects some fresh water and saltwater fishes. The disease causes fish to bleed to death internally and, according to the DNR, has been reported in all of the Great Lakes except Lake Superior. The disease is not harmful to people.

VHS can spread when boats or bait are moved from VHS-infected waterways into non-infected ones. Fish can also become infected with the virus by eating infected fish.

"My sense is that people would use (the boat disinfection station) before they pull out (of the lake) vs. coming in, but we would encourage them to use it before and after (using their boats on Wolverine Lake)," Magee said.

The base of Wolverine Lake's fishery is an aggregate of perch, walleye and crappie, all species known to be affected by VHS.

After VHS was first detected in Michigan, the DNR began a monitoring program to collect fish from a range of waters for testing each year. The program has been funded by the U.S. Department of Agriculture-Animal Plant Health Inspection Service (USDA-APHIS). Monitoring conducted at dozens of state waterways, including lakes in Oakland County, has detected only two inland lakes with VHS-infected fish: Budd Lake in Clare County and Baseline Lake in Washtenaw County.

According to Magee, aquatic weeds have been problematic in Wolverine Lake for decades, and the boat disinfection station may help mitigate that concern, as well.

"It's also something we can do to prevent the spread of invasive species," he said.

Starry stonewort, zebra mussels, Eurasian watermilfoil and curlyleaf pondweed have been invading the village's namesake over the past several years, Magee said.

"They're all invasive species that are not part of the natural ecosystem, that have no natural predators and have grown out of control," he added. The Village Council budgeted \$1,500 for the total cost of installing and maintaining the disinfection station. The annual cost of chemicals for the station's solution would be between \$500 and \$800.

Disinfection stations won't entirely stop waterways from being infected by fish diseases or invasive species, but they will help slow the spread of pathogens and exotic species and will engage the public in playing a role in limiting the spread of diseases and non-native species, according to DNR officials.

In addition to disinfecting boats for VHS, boaters can build similar stations to simply rinse their boats with hot water to remove zebra mussels or attached aquatic plants, for example.

"We think use of the disinfection stations is a good idea," said Gary Whelan, program manager in the DNR's Fisheries Division. "We're not able to fund these at this time. Anytime you can prevent the spread of pathogens from one waterway to another, or minimize the spread, that works to the best interests of the fish community there. This is also a good way to get rid of unwanted passengers (invasive species)."

(Continued on page 24)

Village paying for new boat disinfection station *(Continued from page 23)*

The boat disinfection station movement started with members of the Michigan Lake and Stream Associations (MLSA) who began constructing the devices in northern Michigan. Those initial stations utilize a product called Virkon Aquatic, which is effective in killing the VHS virus.

Whelan said Virkon Aquatic “kills about any living organism,” including zebra mussel veligers, VHS, and the koi herpes virus.

“There’s no downside to disinfecting with Virkon Aquatic,” he said. “It’s easy to mix and we use it in our hatchery system. It works well.”

Steve Hanson, eastern lake manager for PLM Lake and Land Management, said his company also uses Virkon Aquatic on its boats before moving them between lakes.

“It’s not perfect, but it’s far better than doing nothing,” he said. “On a lot of the high profile lakes with public access sites, like Wolverine Lake, they get pretty busy with transient boating activity. Some people still don’t drain their boats’ live wells and transport water from one lake to another lake, which can be a problem. That carries things from lake to lake. Spraying off a boat and trailer with the disinfectant ingredient will kill the (VHS) virus and all sorts of things that are in the water at any given time that may impact the fish community.”

State law requires boaters to drain all live wells and bilge systems before taking their boats from one lake to another.

In 2009, it also became illegal to launch boats with attached aquatic



vegetation – a law supported by the DNR.

Public Act 91 of 2009 states, “A person shall not place a boat, boating equipment, or boat trailer in the waters of this state if the boat, boating equipment, or boat trailer has an aquatic plant attached. A law enforcement officer may order the owner or operator of a boat, boating equipment, or boat trailer to remove aquatic plants from the boat, boating equipment, or boat trailer. The owner or operator shall obey such an order. The department shall prepare a notice that contains a summary of (the act’s provisions) and shall make copies of the notice available to owners of public boating access sites. The department shall include the notice in relevant department publications and post the notice on its website. The owner of a public boating access site shall post and maintain the notice described ...” Violators are responsible for a state civil infraction and may be ordered

to pay a civil fine of not more than \$100.

The DNR’s Whelan said building and using the boat disinfection stations like the one planned at the department’s Wolverine Lake access site will not only slow the spread of fish diseases and invasive aquatic species, but also help in educating the public about the proper way to disinfect and clean their boats, trailers, and other marine equipment.

Although Whelan said the DNR doesn’t have the money to promote the disinfection stations or construct and maintain them, he said the Fisheries Division can provide some technical assistance to those interested in constructing and operating one. He suggests such people call him at 517-373-6948. In addition, he recommends that interested parties visit the MLSA’s website at www.mlswa.org to obtain complete instructions on how to

construct a disinfection station and maintain it with the appropriate Virkon Aquatic solution.

Using a solution of one-half cup of bleach per five gallons of water in a spray canister can be an effective alternative to constructing a disinfection station and purchasing Virkon Aquatic, according to Whelan.

“Bleach is harder on plastic and some other surfaces, so you don’t want it to sit around too long without a rinse,” he said. “But bleach works as a good contact disinfectant, which is what Virkon Aquatic is.”

People interested in construction a disinfection station may need to obtain a DNR permit. If a boat launch is owned and operated by the state of Michigan, one needs to obtain a use permit from the DNR to build and operate a disinfection station there. If the boat launch is owned and operated by a county, township, city or association, the municipal governing body needs to pass a resolution that allows Virkon Aquatic to be used at the access site’s disinfection station. If the boat launch is privately owned and operated – by a homeowners association, for example – one can set up a disinfection station without a DNR permit.

GEESE

By Patti Haynie

Baldwin Lake Association Newsletter
Spring 2012

It seemed like we had more geese last year than ever before! I thought I might share a few tips I found about deterring these foul fowl.

About mid-June, adult geese shed (molt) all of their long flight feathers to grow new ones. They are flightless for 30-45 days. Canada geese prefer to feed, roost, and loaf near water where they can escape if threatened.

Restricting a goose’s ability to move between water and land will deter geese from an area, especially during the molt. Short fences, vertical banks, or hedges at least one foot high around ponds are usually adequate, especially if the geese have young. While they have the ability to fly over these fences, geese which have to fly constantly between lawns and ponds often will leave the area.

Canada geese are protected by the Migratory Bird Treaty Act. Egg destruction requires special permits.

Frightening devices are often used to deter the geese from using your lawn as their roosting area (and toilet). The use of pyrotechnics, (shellcrackers, screamers, bangers, noise bombs, etc.) flagging balloons, scarecrows, and recorded distress calls are the most common techniques employed. These devices work best when geese first move into an area or when combined with other techniques. Unfortunately, geese may quickly get used to these devices (habituate) and ignore them after a few days. Frightening devices are most effective if used at night when the geese are roosting or when they have young. Scaring and hazing methods are best employed when the birds first arrive at a site. Geese are afraid of dogs, and they responds quickly when one is in their area.

If you have any tips or tricks, I would love to know about them. And if you catch me barking at them, no videos posted to facebook are allowed!



Publishers Note: Geese are a common problem on many lakes. Share your success stories with us and we will print them in our next issue. info@mi-riparian.org

The New Public Road Ends at Lakes Law

By Clifford H. Bloom, Esq., Grand Rapids, Michigan

In March, 2012, Lieutenant Governor Brian Calley signed the House Substitute for Senate Bill 778 into law. This is the so-called “Public Road Ends at Lakes Law.” It can be found at MCL 324.30111b (the “New Law”).

Of course, the New Law is not perfect. But as the old saying goes, *don't let the perfect be the enemy of the good!* Overall, the New Law is pro-riparian, pro-public lake access, pro-rule of law, and pro-local government. The language for the New Law is contained in the side bar to this article.

As with any new legislation, there will certainly be questions about the reach, interpretation, and enforcement of the New Law. The following are some of the major issues that are likely to arise.

Does the New Law apply to all road ends at lakes? No. First, the New Law applies only to *public* road ends at lakes. It does not apply to private roads, walkways, parks, or private easements. Second, the New Law appears to apply only to public road ends at *inland* lakes and rivers in Michigan. Given that the new legislation is located within the portion of the Michigan environmental code entitled “Inland Lakes and Streams,” it does not appear to apply to public road ends at any of the Great Lakes.

Does the New Law prohibit all unlawful activities at public road ends? No. The New Law only applies to three uses or activities at public road ends. First, private docks, piers, boat cradles, and similar items are prohibited. However, a governmental unit can install one dock or pier that is public and for day use only. Second, no boat or watercraft can be kept, stored, or moored at a public road end (or the shoreline or bottomlands thereof) between the hours of midnight and sunrise. Finally, no one can engage in any use or activity at a public road end that would obstruct [lawful] ingress or egress. The New Law does not prohibit lounging, sunbathing, picnicking, or camping, which are activities that are all prohibited civilly (under the common law). Accordingly, there may still be a need for local municipal ordinances regulating those other activities.

What is the penalty for violating the new law? Interestingly, the Michigan Legislature chose to make a violation of the New Law a criminal misdemeanor offense, rather than a municipal civil infraction violation. That is significant. Being convicted of a criminal misdemeanor is no small matter. It gives a person convicted a criminal record. Accordingly, if someone is convicted of this type of criminal misdemeanor, they will have to so indicate on many job, credit, and similar application forms. Municipal civil infraction tickets are similar to speeding tickets.

Upon conviction, a person is also subject to a fine of up to \$500. In the original proposed legislation, jail time was a possibility. The jail time provision was removed from the final bill. Nevertheless, it is possible that the courts could

ultimately decide that jail time is still a potential remedy or penalty in these cases based upon other Michigan statutes and court rules.

Could someone who aids and abets another person in breaking the New Law also be guilty of a criminal misdemeanor? Potentially, yes. It will be interesting to see if the few municipal officials in Michigan who have actively assisted backlot owners with misusing road ends in the past will be prosecuted hereafter if they continue to aid such law-breaking.

Will this eliminate all litigation regarding public road ends? Almost certainly not. Although the New Law is quite good and will probably cover three-quarters or more of the existing public road controversies throughout Michigan, riparians will still likely have to continue to file lawsuits in certain cases to stop misuse of public road ends. Without a local municipal ordinance in place prohibiting lounging, sunbathing, picnicking, and similar uses, adjoining riparians will still have to file private civil lawsuits to abate those uses. In fact, the New Law anticipates private litigation in its subsection 5. Furthermore, the New Law does not apply to private road ends, dedicated parks, walkways, etc. If those lake access devices are misused in a given case, the only remedy will either be a local municipal ordinance or civil litigation.

What does it mean to engage in “any activity that obstructs ingress to and egress from the inland lake or stream,” which is unlawful? Unfortunately, the New Law does not define that phrase. Presumably, it means that it is unlawful for any person to physically obstruct or interfere with lawful activities occurring on a public road end at a lake.

The statute protects lawful “ingress and egress.” Based on a century of Michigan appellate case law, some generalizations can be made regarding what constitutes permissible “ingress and egress.” First, walking to and from the body of water (and into the body of water) would be a protected activity. Presumably, that would also include walking to the lake in the winter to ice fish as well as riding a snowmobile if there is sufficient snow. Second, activities such as temporary mooring or anchoring of boats would normally be lawful, so long as the person owning or controlling the boat is present. Next, when someone gets to the lake, activities such as fishing or swimming on or in the lake are normally protected. If a governmental unit installs a public dock, that dock would normally be for day use only. That is, individuals could temporarily moor their boats to such a public dock during the day, but could not leave their boats overnight at the public road end. Would it be lawful activity for someone to drive a vehicle, motorcycle, ATV, or similar item to the lake? That depends. If the public road end is improved, such vehicle use would normally be lawful. If the public road is unimproved and the vehicle tears up the terrain, that would probably

not be permissible ingress and egress activity. Accordingly, it would be unlawful to “obstruct” any of the prior mentioned lawful activities.

So what does unlawful interference or obstruction mean? Of course, physically preventing someone from properly using a public road end would be unlawful. Individuals placing barriers within the public road could constitute unlawful activity. Leaving items within the public road such as parked vehicles, boats on shore, lawn chairs, and similar items could constitute unlawful interference with permitted ingress and egress. In extreme cases, verbal harassment could potentially even be deemed unlawful interference.

Could unlawful activities at public road ends by backlot owners constitute illegal obstruction to ingress and egress? In some cases, it probably could. For example, if much of the public road end area is covered with loungers and sunbathers (activities prohibited under the common law), a court could conceivably find that such activities constitute unlawful obstructions to ingress and egress (which is essentially travel).

In summary, the prohibition in the New Law prohibiting “any activity that obstructs ingress to and egress from the inland lake or stream” could potentially be used against both nearby riparians (who obstruct proper uses of the public road end) or backlot owners (who engage in unlawful activities on a public road end).

What are some of the defenses that backlot owners are likely to use when being prosecuted for a violation of the New Law? In some cases, they will allege that the public road is really not “public,” as they will claim that the plat dedication creating the public road (where a plat is involved) lapsed and was never properly “accepted” within a reasonable period of time of being created. However, that will be a difficult defense upon which to prevail. Beginning in 1978, MCL 560.255b imposed a statutory presumption that such roads are public

and that they are generally conclusively accepted as public. See also *Higgins Lake Property Owners Association v Gerrish Township*, 255 Mich App 83, 114-116 (2003).

Backlot owners might also play games regarding who owns and put in a dock, when a violating boat was actually present, etc. Accordingly, it will be important for adjoining and nearby riparians to document violations by photographs and camcorder (or the equivalent), and also keep detailed written logs (by date, place, time, and violating person).

Who can enforce the New Law? Any police officer. That includes a state police officer, deputy sheriff, local city, village, or township police officer, and potentially even a conservation officer.

How should a riparian or other person report a violation of the New Law? A complaint can be made to either the local police department or the state police. Ideally, it would be best to make the complaint when the offending dock or boat is still present, so the police officer can investigate and testify personally as to the violation. Otherwise, the complaining person can turn over any photographs, videotapes/ DVDs, notes, etc., documenting the violation to the police. The more information that the complaining party can provide to the police, the better.

Is there anything that riparians can do to see that the New Law is enforced? Yes, there are several techniques available. First, where a township, city, or village has jurisdiction over one or more lakes with public road ends, riparians or the lake association involved should provide local government officials with a copy of the New Law. That way, local government officials will not unknowingly spread false information, and hopefully will not be sympathetic to any backlot property owners who violate the New Law. Second, it might be helpful for members of a representative group (such as a lake association) to

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324.30111 b Public road end; prohibited use; violation as misdemeanor; fine; civil action; definitions.

Sec. 30111 b.

(1) A public road end shall not be used for any of the following unless a recorded deed, recorded easement, or other recorded dedication expressly provides otherwise:

(a) Construction, installation, maintenance, or use of boat hoists or boat anchorage devices.

(b) Mooring or docking of a vessel between 12 midnight and sunrise.

(c) Any activity that obstructs ingress to or egress from the inland lake or stream.

(2) A public road end shall not be used for the construction, installation, maintenance, or use of a dock or wharf other than a single seasonal public dock or wharf that is authorized by the local unit of government, subject to any permit required under this part. This subsection does not prohibit any use that is expressly authorized by a recorded deed, recorded easement, or other recorded dedication. This subsection does not permit any use that exceeds the uses authorized by a recorded deed, recorded easement, other recorded dedication, or a court order.

(3) The local unit of government may prohibit a use of a public road end that violates this section.

(4) A person who violates subsection (1) or (2) is guilty of a misdemeanor punishable by a fine of not more than \$500.00. Each 24-hour period in which a violation exists constitutes a separate violation of this section. A peace officer may issue an appearance ticket as authorized by sections 9c to 9g of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.9c to 764.9g, to a person who violates subsection (1) or (2).

(5) This section does not prohibit a person or agency from commencing a civil action for conduct that violates this section.

(6) As used in this section:

(a) “Local unit of government” means the county, township, city, or village with jurisdiction over a public road.

(b) “Public road” means a county road or a township, city, or village street that is open for use by the public.

(c) “Public road end” means the terminus of a public road at an inland lake or stream.

The New Public Road Ends at Lakes Law

(Continued from page 27)

meet with the local police chief and county prosecutor to discuss enforcement of the New Law, to educate those law enforcement officials about the New Law, and to help determine how vigorously they will prosecute violations.

Third, as everyone knows, the budgets for local police and prosecutors have been severely cut. Accordingly, a lake association could commence friendly warnings to anyone who is violating the New Law. For example, the lake association could send a relatively “soft” letter to the violating party pointing out that the use they are making of the public road end may be unlawful and enclosing a copy of the new statute. If that does not work, the lake association might want to have its attorney write a separate follow-up letter.

Can a violator obtain a variance or exemption from the New Law? No. If all the elements of a criminal misdemeanor offense are met under the law, there is no mechanism for a violator to obtain an exemption or variance. Furthermore, there is no “grandparent” defense except where a prior court order or plat dedication expressly allowed the private dockage and boat moorage. Those situations will be relatively rare.

The New Law does contain an exemption where a prior court order, plat dedication or deed expressly allows private dockage or overnight boat moorage at a particular public road end. What does that mean? Presumably, if there is a valid court order, plat dedication language, or recorded deed or similar instrument that occurred in the past, that was not merely a sham, and that expressly authorized dockage or boat moorage at a particular road end, such dockage and permanent boat moorage could lawfully continue. Those cases should be relatively rare. Furthermore, such a defense will unlikely be available to a backlotter where it can be proven that the prior court order, plat dedication, deed, or other recorded document was unlawful or invalid. It is reasonable to expect that this exemption will apply to less than five percent (or even less than one percent) of all the public road ends at lakes situations throughout Michigan.

Apart from potential criminal misdemeanor penalties, are there any other reasons why backlotter should refrain from maintaining private dockage or overnight boat moorings at a public road end? Yes. The liability potential for a violator is significant. If a backlotter maintains a private dock or overnight boat mooring at a public road end in violation of the New Law, and someone is injured or killed due to that violation (for example, someone using the dock drowns or dives into shallow water [thus breaking their neck], runs into an unlawfully moored boat with another watercraft, or a similar calamity occurs), the violating party who owned or installed the dock or kept the boat at the public road end overnight unlawfully could be personally liable for significant civil damages, in addition to being prosecuted. In extreme cases, the violating party could potentially be prosecuted for a severe felony such as manslaughter or negligent homicide.

What does it mean when the statute states that “a single seasonal public dock or wharf that is authorized by the local unit of government” can be installed at a public road end? Presumably, it means that a governmental unit or agency (for example, a city, village, township, or county road commission) can place a dock or wharf within the public road end to aid navigability and temporary mooring. However, the dock or wharf must be “seasonal;” that is, it must be taken out for the winter season. In addition, any such government dock or wharf can be used for day use only—no boat or watercraft can be moored or anchored to or adjacent to any such dock or wharf overnight.

Can a local unit of government delegate or grant permission to an individual to install a seasonal dock or wharf as long as it is available for public use? The New Law is vague regarding that point. However, once again, the Michigan appellate case law has indicated that any such dock or wharf must generally be owned and installed by the governmental unit. See *Douglas v Harting* (unpublished decision by the Michigan Court of Appeals dated December 18, 2008 – Case. No. 277892). The liability potential for both a governmental unit and an individual installing such a dock could be extreme if a municipality delegates that right to a private individual, even if the dock would be available for all members of the public. I cannot think of any other comparable situation where a governmental unit would allow an individual to install and maintain a fixture or item on a public property—in most cases, municipalities insist on such items not only being owned by the municipality, but also installed by municipal employees or contractors.

Predictably, a few people are unhappy with the New Law. They claim (falsely) that the New Law will “privatize” all of Michigan’s inland lakes and streams. Some have claimed that the New Law will “cripple revenue in areas dependent on tourism.” One backlotter’s group has even claimed that “throwing your anchor over will violate the statute.” Those assertions are flat-out false.

The new legislation will not abandon, vacate, or close a single public road end at a lake or river in Michigan. There will be no “privatizing” of any public road end due to the New Law. In fact, one can reasonably argue that public access will be enhanced, as public road ends should no longer be junked up by private docks, extensive boat moorings, and similar unlawful uses and activities that impede public access. The New Law will allow lawful uses of road ends to occur hereafter without interference. As far as being arrested for simply “throwing your anchor over,” temporary mooring is not prohibited by the New Law. The New Law only prohibits overnight boat mooring, anchoring, or docking at road ends.

For more information regarding public road ends and similar topics, please go to www.mymlsa.org.

Most Wanted Aquatic Invasive Plants

Be on the lookout for these invasive species!

Michigan Natural Features Inventory and the Michigan Department of Natural Resources are collaborating on the development of an Early Detection Rapid Response program. The program seeks to locate and eradicate occurrences of the following priority aquatic invaders.

Flowering Rush
Butomus umbellatus



www.kingcounty.gov

Starry Stonewort
Nitellopsis obtusa



www.aquaweed.com

Parrot Feather Water-milfoil
Myriophyllum aquaticum



www.invasive.org

Fanwort
Cabomba caroliniana



Paige Filice, MSU

Water Lettuce
Pistia stratiotes



www.invasive.org

Water Hyacinth
Eichhornia crassipes



www.invasive.org

European Frog-bit
Hydrocharis morsus-ranae



www.dnr.wi.gov

Brazilian water-weed
Egeria densa



www.graysharbor.wsu

If you have seen any of these aquatic invasives, note their location and extent and contact:

Matt Ankney

Early Detection and Rapid Response Coordinator

Michigan Department of Natural Resources

Phone: (517) 641- 4903 ext. 260, Email: ankneym2@michigan.gov

McNALMS ANNUAL CONFERENCE

Michigan Chapter, North American Lake Management Society (McNALMS)

Schedules 3rd Annual Lakes Conference and Natural Shoreline Workshop

Friday, September 21, 2012

Kettunen Center • Tustin, Michigan

Save the dates for Michigan NALMS' third annual conference this September. Aquatic invasive species and current lake research will be the topics discussed on Friday, September 21, 2012. Additionally, a pre-conference homeowner's workshop and tour on natural shorelines will be held the day prior, September 20. It will be hosted by [Muskegon River Watershed Assembly and Michigan Natural Shoreline Partnership](#). The evening of Thursday, September 20 will feature a reception for all conference and workshop participants. The conference and workshop will be held at the Kettunen Center in Tustin, MI near Cadillac.

The main conference will feature talks on the state permits relating to aquatic invasive species, and its plans for dealing with new invaders such as Hydrilla, and on assessing lakes from a landscape perspective. The afternoon sessions will address some key native and invasive problem species, and provide updated research on these species including Canada Geese, Harmful Algal Blooms, Phragmites, Cabomba, and the hybrid species of Eurasian Water Milfoil. The pre-conference workshop will introduce participants to the concept of natural shorelines and their benefit to inland lake ecosystems. The 3-hour workshop will also highlight natural shoreline design concepts, using native plants and bio-engineered erosion control, along with pointers from the Michigan Department of Environmental Quality on shoreline permits. Registration includes a copy of the popular publication, "Natural Shoreline Landscapes on Michigan Inland Lakes: Guidebook for Property Owners," along with a natural shoreline tour led by MSU Extension's Jane Herbert followed by pizza and refreshments. Lunch is also included in the registration for both days. The advanced registration costs are \$50 for the conference, \$40 for the workshop, and \$85 for both. Detailed information as well as registration and accommodation details are available at www.mcnalms.org.

The conference is sponsored by the Michigan Chapter, North American Lake Management Society with co-sponsors Michigan Lake and Stream Associations, Inc., Institute of Water Research, Michigan State University, Wexford County Drain Commission, and the Michigan Natural Shoreline Partnership.

For more information contact Lois Wolfson at wolfson1@msu.edu or
Mike Solomon at draincom@wexfordcounty.org.

DEAD Fish...

Source WZZM

PLAINFIELD TOWNSHIP, Mich. ~ The view of the glistening waters of Dean Lake has been overtaken by the smell of dead fish the past few days. "When you're out on the lake you start to notice all the white, their bellies turn up, so you see white spots," says lake resident Bill Haddix. "When you see more than ten it's quite a bit."

Nearly 200 pike in the lake suddenly died off. Scott Hanshue, a DNR fish biologist, says hot weather is to blame. "The long days and extended heat during the night elevated the temperatures in the lake until it was lethal," says Hanshue.

Most pike live in northern Michigan, but West Michigan is the southern point of their habitat. The DNR says pike need water that is cooler than 80 degrees Fahrenheit. With our recent hot days, lake temperatures climbed to 90 degrees.

"In some water bodies they can seek refuge by diving," says Hanshue. "In this case, these were shallow areas. The water temperature was consistent through the whole water colony, so they couldn't escape." The fish essentially died from heat stroke, which biologists say is a rare occurrence.



Sustainability and Our Water Resources: An Intimate Essay

Water Resources Director, Lakeshore Environmental, Inc.

By: Jennifer L. Jermalowicz-Jones

Introduction to Sustainability:

At the tender age of six, I stood at the end of my grandparent's dock on Carroll Lake in Oakland County and peered into the increasingly turbid water. What was causing the lake to turn green? How was the lake changing in such a short period of time? These were thoughts I kept silently to myself but knew that someday I would choose to investigate these complex causes and propose workable solutions. Over three decades later, I have come to realize that the key to water resource management must possess many attributes that cater to a socio-ecological system (SES) in a sustainable manner. The SES term was originally proposed by Nobel-prize winning scholar Dr. Elinor Ostrom who reminded us of our responsibility as humans to exist in harmony with the natural resource system in order for both to co-exist and thrive.

Garrett Hardin first warned us in 1968 of the inherent dangers of a commons without proper management. He defined a commons as a resource that is not owned and is therefore available to all who exploit it. He showed the world that if a resource was not properly governed or managed and population growth was increasingly uncontrolled then the resource stocks (supplies) would plummet to a number that could no longer

sustain the population. Today, we see continuous evidence that we have ignored many of those warnings and find ourselves with complex problems and no sustainable solutions. We have allowed our inland lakes to be subject to invasive species, our watersheds to become inundated with nutrients and pollutants that flow into fragile water bodies, and our very own drinking water supplies to require repeated chemical and mechanical treatments due to metals, contaminants, pharmaceuticals, and pathogens. Yet, we desire to live on inland lakes as they increase property values and contribute economic capital to the local tax base. We build within our watersheds with little regard to the impacts of the development on local or distant connected waterways. We wash our cars often with large quantities of water, irrigate our large, lush lawns except when restrictions are in place, and utilize municipal water supplies without thinking that those water supplies may ever be scarce.

While awareness is a critical component for this problem, sustainability is what drives collective actions to protect and adequately manage our water resources. However, Pete Nowak cautions us that although conservation management is necessary and desired, the complexities involved require us to constantly strive for innovative conservation strategies.

It becomes obvious that this pro-active approach will require extensive research and must eventually bridge the gap between humans and natural resources. How is sustainability defined? The concept of sustainability has its roots in the field of agriculture and has continued to evolve since its creation during the late 1970's. The true definition of sustainability varies among different professionals as it is usually characterized in a manner most compatible with a particular field or practice. However, there are some common themes that appear in most definitions which include concepts such as renewability, compromise, and even sacrifices. A great pioneer in the field of sustainability is Dr. David W. Orr, Professor of Environmental Studies at Oberlin College in Vermont. He emphasizes that true sustainability will require humans to acquire a novel sense of maturity and enhanced level of respect for finite resources. Additionally, he cautions that sustainability is faced with barriers that are socio-political and psychological as well as technological. Furthermore, he warns us that we must not exceed thresholds of natural resources since this compromises the replenishment of a resource. These observations highlight the need for the public to understand the intrinsic values of a natural resource as well as the

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Sustainability and Our Water Resources (Continued from page 31)

thresholds of resource use. Thus, metrics that evaluate the existing stock of a resource and the thresholds are critical for successful resource conservation and management. Additionally, successful governance with an educated, informed public is required for sustenance of a shared resource. How can we apply these concepts to our inland lakes for a sustainable future?

A Key to Successful Water Resource Management: Public Education and Awareness

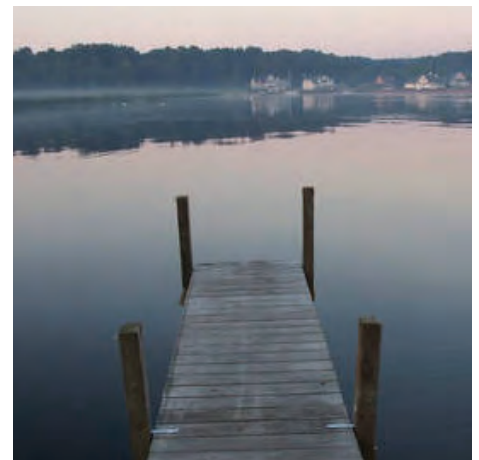
In 1997, the Michigan Department of Environmental Quality (MDEQ) and the United States Geological Survey (USGS) formed the Lake Water-Quality Assessment Monitoring Program (LWQA) to assess the conditions of over 700 inland lakes by 2015. Even though these efforts are critical to determine the baseline conditions of many recreational lakes in the state, they do not establish a long-term process for the conservation and management of these systems. Many environmental management programs have failed because of a scarcity in stakeholder participation. One major cause of this scant participation is due to a lack of adequate education regarding the complexities of environmental issues and resources to help assist individuals with solving challenging environmental problems. Yet, the State of Michigan has 1,240 townships and numerous other municipalities that incorporate many passionate minds to assist with service to their local communities. Clearly, we have some great, untapped resources that could be utilized to help govern and conserve lake resources. There

has been significant increases in public education and awareness in regard to issues that compromise inland lakes over the past decade and historically. The creation of the Michigan Lake and Stream Associations (MLSA) over 50 year ago along with the Michigan Sea Grant, the Michigan Chapter of the North American Lake Management Society (NALMS), and many other small yet effective water resource protection programs have provided the public with awareness tools to begin protection strategies of a particular lake or water resource. In particular, the Cooperative Lake Monitoring Program (CLMP) allows lake stakeholders to be actively involved in monitoring the water quality of our inland lakes. Each year the MLSA organization provides CLMP training at its annual conference to a growing population. Education is thus an important piece in the sustainability puzzle. Yet, I am often surprised to find that many municipalities and public citizens have never even heard of these organizations and how they can help us with lake and water resource conservation.

Concluding Remarks:

As a practicing lake and watershed management professional who has studied and managed lakes and watersheds throughout Michigan over the past two decades, I am grateful to these non-profit organizations that have conservation and education at their core. I have completed over 300 inland lake scuba dives and have witnessed the severe changes in lake biota since my initial dive over twenty-three years ago. The entire ecology of some of these systems has been changed

through our actions that are no longer obviously sustainable. The majority of native species in some lakes have been displaced by exotic species that are of little value to the lake ecosystems. We also have to acknowledge that while public education and awareness help with the definition of the scope and nature of these problems, they are not a substitute for enhanced sustainability measures that must be pursued. At a minimum, we must accept that we are responsible for our actions and that we impose externalities (forces that incur a cost to the environment from our gain) on these sensitive aquatic systems. As Dr. David Orr emphasized above, the socio-political and psychological components of this systematic problem cannot be ignored. It is now evident that the creation of an innovative system that addresses these components and incorporates public and municipal education and continued support is required for sustainability of our inland lakes and water resources. I am in the process of creating a framework that will hopefully lead us to a comfortable state of sustainability and assure that all inland waterways have some capability of being protected for us and future generations.





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Live Asian Carp

submitted by Virginia Himich ML&SA, Region 5
Michigan.gov website

AG Charges Arkansas Man With Selling Live

Asian Carp - Jun 5: Attorney General Bill Schuette and MDNR Director Rodney Stokes announced that the Attorney General's Criminal Division has charged an Arkansas man with twelve felony counts of possessing and selling live Asian carp in violation of State law protecting against the spread of invasive species. The charges follow a joint investigation by MDNR's Special Investigation Unit and Commercial Fish Enforcement Unit .

Schuette said, "Once destructive Asian carp enter our waterways, the damage cannot be undone. We must remain vigilant and use every tool available to protect Michigan's tourism and sport-fishing industries from this dangerous threat." Stokes said, "Invasive species in general and the Asian carp in particular pose one of the most serious current threats to the economy and the ecology of the Great Lakes. The excellent work in this case by the MDNR's Law Enforcement Division is one more indication that we will continue to vigilantly protect the lakes from this menace."

It is alleged David Shane Costner, 42, of Harrisburg, Arkansas, possessed 110 grass carp fish, a type of invasive Asian carp. The fish were allegedly transported and sold from tanks housed in a semi-truck furnished by parent company Farley's Arkansas Pondstockers. Costner allegedly travelled around the state, conducting sales of the illegal carp from store parking lots. The trucks also contained live fish species permitted under State law, including channel catfish, largemouth bass and fathead minnows. On May 16, 2012, Costner allegedly sold two

of the live grass carp to undercover MDNR investigators in Midland.

Grass carp, which are herbivorous and could potentially remove all vegetation from a body of water at the expense of native species, have been illegal to possess in Michigan for decades. Stokes said MDNR has been aggressively monitoring traffic in restricted species since the threat of Asian carp entering the Great Lakes became apparent.

Schuette filed the following charges against Costner today (June 5) in Midland's 75th District Court: ten counts of possession of an illegal species, a felony punishable by two years in prison and a fine of \$2,000-\$20,000 for each violation; and, two counts of selling an illegal species, a felony punishable by two years in prison and a fine of \$2,000-\$20,000 for each violation. Arrangements are being made for Costner to surrender himself to the proper authorities. Arraignment will be scheduled in Midland's 75th District Court at a later date.

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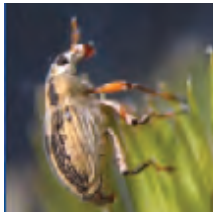
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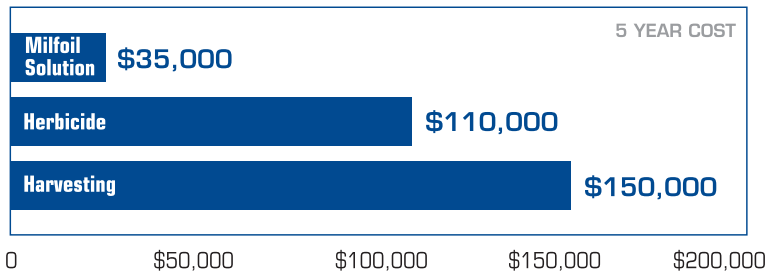
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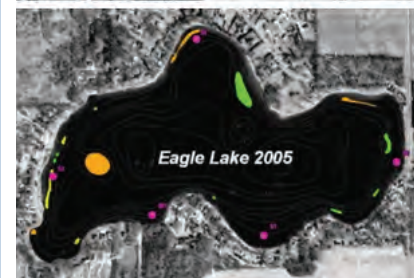
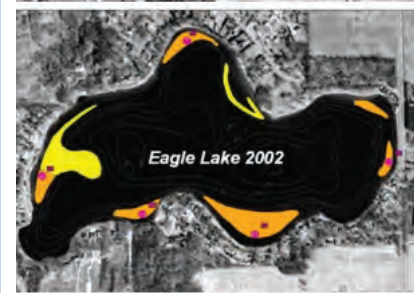


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— Chuck Cabbage, Eagle Lake, Van Buren County, Michigan

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