



## Michigan Lake and Stream Associations Newsletter for April 2015

### Michigan Chapter, North American Lake Management Society and ML&SA Award Lake Research Grants

Editors Note: This article originally appeared on the MI Chapter, North American Lake Management Society website at [www.mcnalms.org](http://www.mcnalms.org).

The [Michigan Chapter, North American Lake Management Society \(McNALMS\)](#) in coordination with the [Michigan Lake and Stream Associations, Inc.](#) have awarded two one-year \$1000 grants to Joe Nohner from Michigan State University (MSU) and Delilah Clement from Grand Valley State University (GVSU). Joe is a graduate student in the Department of Fisheries and Wildlife at MSU. His research for this grant will focus on the social, cultural, and economic factors underlying lakeshore property owners' willingness to conserve natural aquatic habitat on their properties. Previous research has shown that changes in habitat and shoreline development influence fisheries productivity. The information he gathers along with his ongoing research on largemouth bass populations will help provide a better understanding of factors influencing the decisions of landowners to remove vegetation and woody habitat and potential effects on the fisheries resource. It will also help practitioners and lake organizations better tailor their conservation efforts to mitigate changes to the natural shoreline. Delilah is a graduate student at the Robert B. Annis Water Resources Institute at GVSU. Her research will look at phosphorus loss via tile drains in the Macatawa Watershed. She plans to collect tile drain effluent, record land and management factors, perform bioassays on algae using the effluent, and determine if soluble reactive phosphorus concentrations in relation to total phosphorus from drain tile has a significant effect on algal growth. Her research will lead to a better understanding of the relationship between tile drain phosphate and algal blooms in the Macatawa watershed and Lake Macatawa. McNALMS and ML&SA congratulate the two recipients and look forward to their sharing of information on their research results.

## Registration for the ML&SA 54th Annual Conference is Now Open

Friday & Saturday, May 1<sup>st</sup> & 2<sup>nd</sup>, 2015

Boyne Mountain Resort

Boyne Fall, Michigan

### “Managing Aquatic Invasive Species in Michigan’s Inland Lakes”

- ⇒ Are you interested in learning to identify native and exotic aquatic plant species?
- ⇒ Getting the help you need to effectively fight aquatic invasive species in your favorite inland lake?
- ⇒ Forming Special Assessment Districts?
- ⇒ The MDEQ regulatory aspects of managing Aquatic Invasive Species?
- ⇒ Getting your community involved in combatting Aquatic Invasive Species?
- ⇒ Finding out about the next exotic aquatic invasive species that are likely to appear in Michigan inland lakes?
- ⇒ Would you like to learn about the latest science and technology used to manage invasive aquatic plants in inland lakes?
- ⇒ The latest developments in finding a solution to the “swimmers itch” problem that plagues many Michigan inland lakes?
- ⇒ Learning about non-chemical methods for controlling invasive aquatic plants like Diver Assisted Suction Harvesting?
- ⇒ How about learning to organize a Clean Boats, Clean Water program in your lake community to prevent new introductions of aquatic invasive species?
- ⇒ Forming a community based “Lake Guardians” group to help protect your favorite inland lake?
- ⇒ A promising technology know as laminar aeration for reducing muck levels in your lake?

To download the complete conference agenda, [Click here](#)

To register for the 54th ML&SA Annual Conference

[Click here](#)

## **What To Do About A Freeloader**

By Clifford H. Bloom, Esq.  
Bloom Sluggett Morgan, P.C.  
Grand Rapids, Michigan

Many voluntary lake associations collect dues for services such as aquatic weed treatments, 4th of July events, boat safety courses and similar matters, but typically not all property owners on the lake will join the lake association or pay dues. Along many private roads in Michigan, some of the property owners contribute moneys for the snowplowing, upkeep and maintenance of the private road, but others do not. In such cases, the paying land owners subsidize those who do not contribute, yet those who do not contribute funds still receive the benefits of those who do. Some might call the non-paying parties “freeloaders.” In such cases, what are the lake association members or land owners along a private road who do contribute funds to do?

Typically, property owners who refuse to join a lake association or to pay private road maintenance costs have a million excuses. For example, they claim that the lake association wastes money or does not spend money the way the non-contributing property owner desires. Or they claim that the snowplow driver for the private road has not done a good job of snow removal in the past. Or, the property owner is philosophically opposed to chemical treatments for aquatic weeds in the lake involved. Sometimes there is a perception by some property owners that they were somehow slighted by the lake association or the other lot owners along the private road in the past.

The refusal by some property owners to pay lake association dues, aquatic weed treatment costs or private road maintenance expenses is particularly perplexing given that their lake or other properties are often worth hundreds of thousands of dollars or more. Typically, annual lake association dues, aquatic weed treatment payments or annual private road maintenance and snowplowing costs per property are a pittance. Furthermore, funds utilized for such purposes usually enhance the value of all properties involved.

In general, in Michigan, absent deed restrictions or restrictive covenants, a lake property owner cannot be forced to join a lake association or pay dues for that purpose. And, in most cases, the greatest monetary expenditure for lake associations is aquatic weed treatment costs. If the majority of lake property owners wish to force non-participating property owners to pay their fair share of aquatic weed treatment costs for the lake, there are three general options available. However, not all of them are always practical.

(Continued on next page)

## **Freeloaders...**

(Continued)

First, Michigan has several ancient statutes whereby a group of property owners can force all land owners within a certain area to become members of a summer resort association or the equivalent. These include the Summer Resort and Assembly Associations Act of 1897 (Public Act No. 230 of 1897) MCLA 455.1 *et seq.*, the Summer Resort and Assembly Associations Act of 1889 (Public Act No. 39 of 1889) MCLA 455.51 *et seq.*, and the Suburban Homestead, Village Park, and Summer Resort Association Act (Public Act No. 69 of 1887) MCLA 455.101 *et seq.* However, the most commonly utilized statute is the Summer Resort Owners Act of 1929 (Public Act No. 130 of 1929), MCLA 455.201 *et seq.* A Michigan summer resort association (or the equivalent) under statute has broad powers and could, in most cases, force all members to pay aquatic weed treatment costs. Nevertheless, this option is rarely pursued due to the legal expenses incurred in setting up such an association, their unwieldy governing procedures and the fact that the Michigan courts could eventually hold such associations to be unconstitutional and void given that they are accorded city-like powers. Please see my other article in this issue of the magazine regarding a recent court decision involving a summer resort association.

A second option is for members of a lake association to pursue a special assessment district for the lake for aquatic weed treatment purposes through the local township, city or village that has jurisdiction over the lake. Given that most lakes are located in townships, Public Act No. 188 of 1954 (MCL 41.721 *et seq.*) can be utilized. An aquatic weed treatment special assessment district can be set up pursuant to that statute, and in that case, if the entire lake is within the district, all property owners within the district must pay the assessments on their property tax bills. For more information about such special assessment districts, please see my article entitled, "Weed Whacker" in the Winter 2009 issue of the *Michigan Riparian Magazine*.

The third and final option is to establish a Michigan statutory lake improvement board pursuant to MCL 324.30901 *et seq.* All such lake improvement boards constitute a semi-independent local governmental agency and have the authority to establish special assessment districts.

For private roads where no recorded private road maintenance agreement exists, there are also at least two alternatives available for forcing everyone with property fronting on a private road to pay their fair share of the snowplowing, maintenance and upgrade costs of the road. First, a special assessment district can also be created by the local municipality for that purpose. Second, unlike voluntary lake associations, all property owners along a private road have a common law duty to contribute to the maintenance and snowplowing costs of that private road. Unfortunately, that common law duty can only be vindicated by a lawsuit. In such cases, one or more property owners along the private road who contribute to the snowplowing and maintenance costs would have to sue those other property owners along the private road who refuse to pay such costs.

In all of these situations, it would, of course, be easier if everyone involved would simply pay their own fair share.

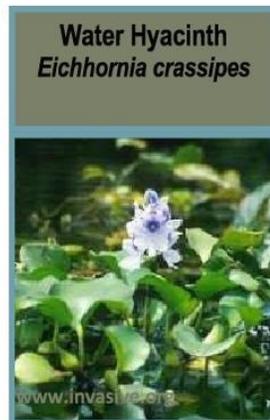
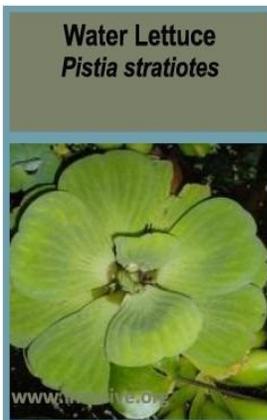
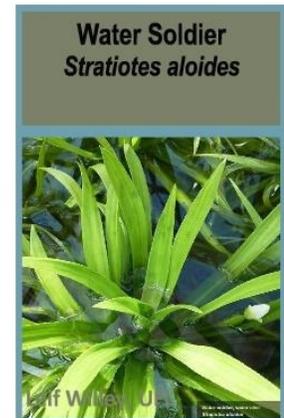
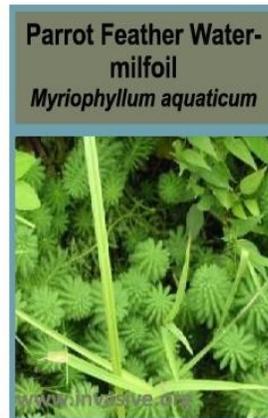
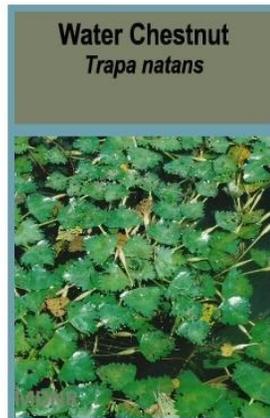


# MDNR's Least Wanted Aquatic Invasive Plants



Michigan Department of Natural Resources and Michigan Natural Features Inventory are collaborating on the implementation of an Early Detection Rapid Response Program, which seeks to locate and eradicate occurrences of the following species:

***Be on the lookout for these invasive species!***



**If you have seen any of these aquatic invaders, note their location and contact:**

Michigan DNR Wildlife Division Invasive Species Program  
Phone: (517) 641- 4903 ext. 260  
[www.mi.gov/invasivespecies](http://www.mi.gov/invasivespecies)

Questions about other aquatic invasive plants? Contact the DEQ Aquatic Nuisance Control Program at 517-284-5593, [www.mi.gov/anc](http://www.mi.gov/anc)

# 2015 Clean Boats, Clean Waters: Volunteer Leader Training

*Clean, Drain, Dry: Sharing the message*

MICHIGAN STATE UNIVERSITY | Extension

**CLEAN BOATS  
CLEAN WATERS**



## Stay informed and be involved

Clean Boats, Clean Waters program volunteers at your lake can make a big difference by helping to prevent the spread of unwanted aquatic invasive species. Volunteers share up-to-date information with visiting boaters about how to inspect and clean their watercraft and equipment, and how to manage invasive species if found.

A CBCW volunteer is caring, informed and passionate about maintaining the water quality of their lake. They want to share that passion with others through sharing their knowledge and by reporting what they find to program organizers to be entered in a state wide database tracking the location of aquatic invasive species.

### AQUATIC INVASIVE SPECIES (AIS) OF CONCERN IN MICHIGAN

Invasive aquatic species are non-native plants, animals and pathogens whose introduction causes, or is likely to cause harm to the environment, economy or to human health. AIS can reduce or eliminate native species and recreational opportunities. AIS also can negatively impact real estate prices and the over-all economy.

Species of concern include:

- Eurasian Water Milfoil
- Curly-leaf Pondweed
- Purple Loosestrife
- Rusty Crayfish
- Zebra Mussel
- Quagga Mussel
- Spiny Water flea
- Hydrilla

### 2015 Training Locations

February 12, 5:30pm

Van Buren Conference Ctr.  
490 So. Paw Paw Street  
Lawrence, MI 49064

May 23 9am

Cass County Extension  
120 N Broadway St Ste 209  
Cassopolis, MI 49031

March 12, 3pm

Oakland County Extension  
1200 N. Telegraph Road #26 E  
Pontiac, MI 48341

June 11 6pm

Northwest MI Hort Station  
6686 South Center Hwy.  
Traverse City, MI 49684

April 11, 10am

Dahlem Center  
7117 So. Jackson Rd  
Jackson MI 49201

July 9, time 10am

Chippewa Tribal Ctr.  
2186 Shunk Rd  
Sault St. Marie, MI 49783

### Clean Boats, Clean Waters (CBCW) Training

Name: \_\_\_\_\_

Lake/Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Training Date & Location \_\_\_\_\_ →

**PLEASE PRINT ALL INFORMATION CLEARLY**

**Contact Beth Clawson at [clawsonb@anr.msu.edu](mailto:clawsonb@anr.msu.edu) or 269-657-8213**

*Michigan State University is an equal opportunity employer*

### Register and pay ON-LINE at

<http://events.anr.msu.edu/cbcw>

OR complete and return this form with \$50 payment in the form of check or money order, made payable to

**Michigan State University**

mail to

**2015 CBCW Training  
MSU Extension  
219 Paw Paw St. Ste 201  
Paw Paw, MI 49079**

- \_\_\_\_ Lawrence Conf. Ctr.-Feb 12
- \_\_\_\_ Oakland County-Mar 12
- \_\_\_\_ Dahlem Center-Apr 11
- \_\_\_\_ Cass County Ext.-May 23
- \_\_\_\_ NW MI Hort. Station-Jun 11
- \_\_\_\_ Chippewa Tribal Ctr.-Jul 9



## MICHIGAN NATURAL SHORELINE PARTNERSHIP

Promoting Natural Shoreline Landscaping to Protect Michigan's Inland Lakes

### Michigan Shoreline Educator Training: A Train-the-Trainer Program

The Michigan Natural Shoreline Partnership (MNSP) is offering a professional training for individuals interested in becoming a part of the MNSP Shoreline Educator Network (SEN).

**Topic:** Participants will learn how to conduct homeowner workshops on the benefits of natural shoreline landscaping, bioengineering and erosion control on inland lakes.

**Course Content:**

- Healthy Lake Ecosystems
- Ideas for Natural Landscapes on Lake Shorelines
- Problems with High Impact Landscape Methods
- Use of Native Plants in Shoreline Landscape
- State of Michigan Rules and Regulations

Participants will receive the Shoreline Educator Network Homeowner Tool Kit which includes:

- MNSP Homeowner Manual
- Shoreline Brochures for Homeowners
- Workshop Presentation
- Workshop Promotion Materials

**Date and Location:**

**April 24, 2015**  
**8:30 am — 4:00 pm**

Mid Michigan Community College  
1375 South Clare Avenue  
Harrison, Michigan 48625

**Questions:**

Contact Marybeth Denton at 989-539-7805 or [Denton.Marybeth@anr.msu.edu](mailto:Denton.Marybeth@anr.msu.edu)

**Registration:**

Register online at <http://events.anr.msu.edu/MNSPEducator2015/>  
Fees include lunch, refreshments & workshop materials

**Early Registration:** \$65  
*Ends: March 1st*

**Normal Registration:** \$75  
*Ends: April 16th*

**On-site Registration:** \$85

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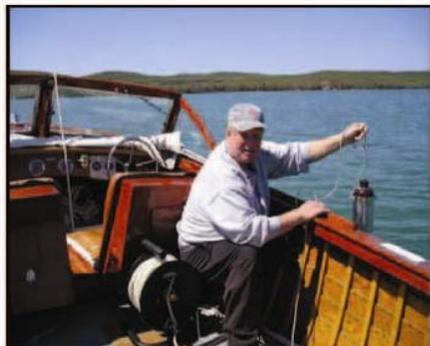
Michigan Clean Water Corps

MiCorps

### Michigan's Inland Lakes, Ours to Protect



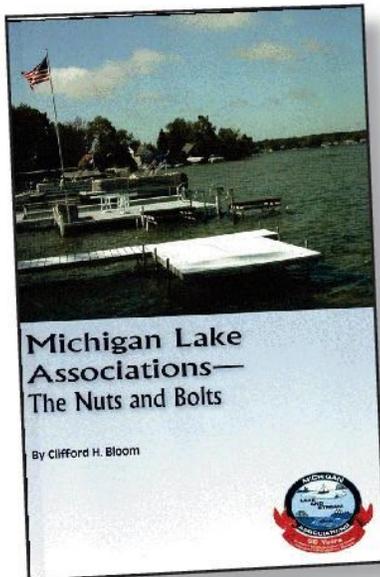
- Providing baseline information and document trends in water quality for individual lakes.
- Educating lake residents, users and interested citizens in the collection of water quality data, lake ecology and lake management practices.
- Building a constituency of citizens to practice sound lake management 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.



MiCorps Cooperative Lakes Monitoring Program enrollment for the 2015 season began on 1 October 2014. Enroll on-line at [www.micorps.net](http://www.micorps.net) or contact ML&SA CLMP Program Administrator Jean Roth at 989-257-3715 or e-mail: [jroth@mlswa.org](mailto:jroth@mlswa.org)

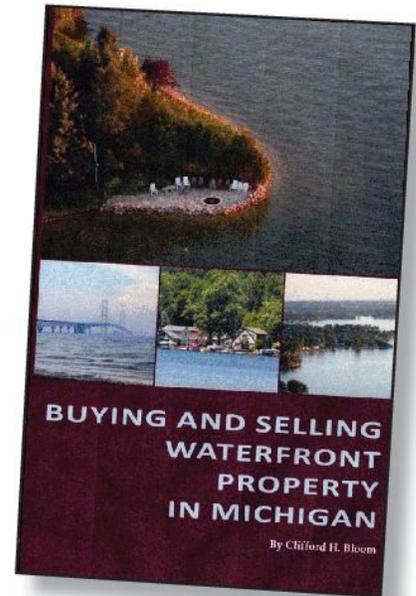
[www.micorps.net](http://www.micorps.net)

**TWO BOOKS WRITTEN BY CLIFFORD H. BLOOM AND PUBLISHED BY  
ML&SA TO BENEFIT LAKEFRONT PROPERTY OWNERS IN MICHIGAN!**



Are you and your lakefront neighbors pondering the creation of a lake association? Would you like to improve an existing lake association? Are you wondering about the legal ramifications of forming a lake association in Michigan? If so, this book will provide you with every detail and answer every question you may have regarding lake associations!

**Nuts and Bolts**  
**Price \$15.50 plus S/H**  
**(Quantity discounts available)**



Considering the sale of an existing lakefront property? Are you looking to buy lakefront property in Michigan? Do you understand the legal ramifications and common pitfalls that you may confront? The purchase of this book could save you tens of thousands of dollars and/or the grief and headache of regretting your lakefront property transaction decisions.

**Buying and Selling Waterfront Property**  
**\$20 plus S/H**  
**(Quantity discounts available)**

**To purchase these books, contact ML&SA Central Office Manager  
 Sharon Wagner at [swagner@mlswa.org](mailto:swagner@mlswa.org) or visit our website at [www.mymlsa.org](http://www.mymlsa.org)**

Waterfront Book       Nuts and Bolts

Name (please print): \_\_\_\_\_

Address: \_\_\_\_\_

Street or P.O. Box Number \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_

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Please select:

**Waterfront Book**  
 \_\_\_ 1 book @ \$20.00 ea.  
 plus \$6.00 S/H = \$26.00

**Nuts and Bolts Book**  
 \_\_\_ 1 book @ \$15.50  
 plus \$5.00 S/H= \$20.50



# MICHIGAN WATERFRONT ALLIANCE

P.O. Box 369  
Fenton, Michigan 48430-0369



## **WE LOBBY TO PROTECT MICHIGAN’S LAKE AND STREAMS. THAT’S WHAT WE DO.**

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

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

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

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

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

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

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

Sincerely,  
MWA Board of Directors

### **Michigan Waterfront Alliance Membership Application**

(January '15 ML)

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

**Please print:**

Name \_\_\_\_\_ Date \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

County \_\_\_\_\_ Phone \_\_\_\_\_

E-mail \_\_\_\_\_

Township \_\_\_\_\_ Lake / Stream Association \_\_\_\_\_

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

**Send dues and contributions to:**

**Michigan Waterfront Alliance**

**PO Box 369**

**Fenton, MI 48430**

**[www.mwai.org](http://www.mwai.org)**

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

WINTER  
2014



# THE MICHIGAN RIPARIAN

Vol. 49 No. 1

[www.mi-riparian.org](http://www.mi-riparian.org)

RIPARIAN (ri-'pair-ee-en) adj. Relating to or living or located on the bank of a natural watercourse, such as a river, or of a lake or a tidewater.

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



*Pinckney State Recreation Area  
Dexter, Michigan*

## MICHIGAN INLAND LAKES AND STREAMS OUR TREASURE ALL YEAR LONG

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

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

[www.mi-riparian.org](http://www.mi-riparian.org)



# Michigan Lake & Stream Associations



E - Newsletter

[www.mymlsa.org](http://www.mymlsa.org)

April 2015



## Please lend your support to the Michigan Loon Preservation Association...

The [Michigan Loon Preservation Association](http://www.michiganloons.com) is a non-profit organization whose mission is to preserve the



Common Loon as a breeding bird in Michigan through public education, research, and the protection and management of loons and their habitat.

[www.michiganloons.com](http://www.michiganloons.com)



*Freshwater Future is a powerful resource investing in people and communities, ensuring the healthy future of our Great Lakes waters.*

[www.freshwaterfuture.org](http://www.freshwaterfuture.org)

## Michigan Inland Lakes Partnership

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



To learn more about the Partnership, visit [www.michiganlakes.msue.msu.edu](http://www.michiganlakes.msue.msu.edu)

## Michigan Natural Shoreline Partnership



“Promoting Natural Shoreline Landscaping to Protect Michigan’s Inland Lakes”

To learn more, [click here...](#)

## Michigan Chapter, North American Lake Management Society

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

[www.mcnalms.org](http://www.mcnalms.org)  
for more information

PLEASE DO NOT FORGET TO REGISTER FOR THE 54TH ML&SA ANNUAL CONFERENCE!!! YOUR PARTICIPATION WILL BENEFIT YOU, YOUR LAKE , YOUR COMMUNITY AND MICHIGAN LAKE AND STREAM ASSOCIATIONS!

FRIDAY & SATURDAY, MAY 1st & 2nd, 2015  
BOYNE MOUNTAIN RESORT

<http://www.mymlsa.org/mlsa-54th-annual-conference>