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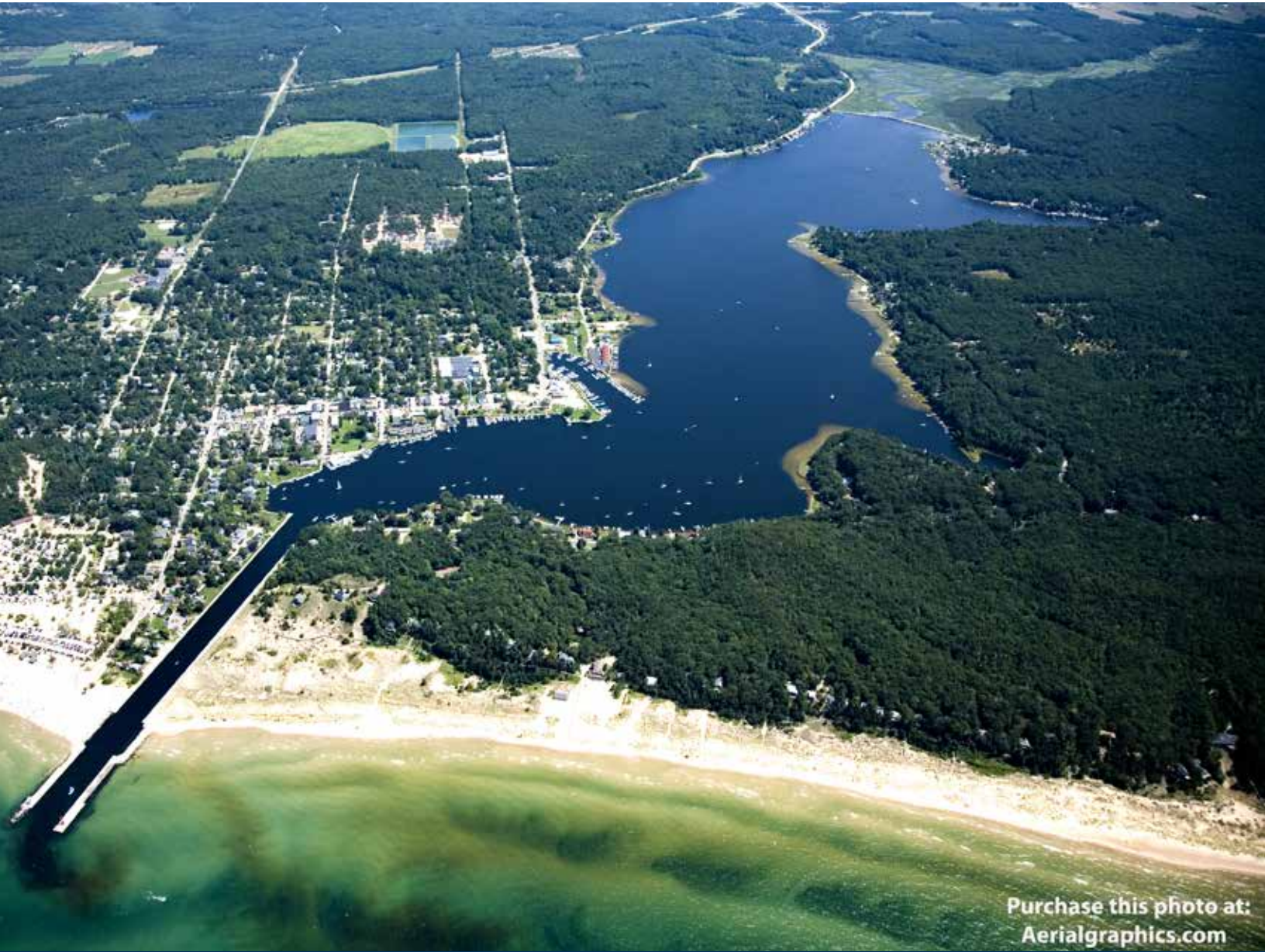


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# THE MICHIGAN RIPARIAN

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## FROM THE PUBLISHER

### What's New



I am really excited to showcase one of my favorite inland lakes, Pentwater Lake, in this issue of *The Michigan Riparian* magazine. I admit I am somewhat biased because Pentwater holds a place near and dear in my heart as a lot of my family and friends live there, and that's where I first met my incredible husband over 20 years ago!

I am sure you will enjoy the featured story about Pentwater Lake and the awesome sunset pictures. I had to include the sunsets--did you know that if you go to Pentwater and arrive at the beach just before sunset, you will be surrounded by tourists and locals alike that clap right when the sun goes down? I love that! It happens every night!

We told you in the last issue of the Riparian that we would be sharing some changes regarding the magazine. The magazine itself will not change-- just a few ways of conducting business. In other words, positive changes are coming that will affect how and when you get the magazine. Some of the changes are explained on page 10. We encourage you to check out the website. Also, starting this year, our winter issue will arrive in December instead of January. Rest assured, you will still receive every issue in your annual subscription—there is just a change in the timing. Your December issue will cover more details.

This issue is filled with so much great information about the topics you care about. On page 11 Attorney Writes describes in great detail the age-old question of bottomland ownership. We also brought you another article on the popular topic of boat wash stations on page 22.

ML&SA's Executive Director, Scott Brown, wrote a comprehensive and useful guide on how to improve your lake association on page 28. Hopefully your lake association is already a member of the Michigan Lake and Stream Associations. That is great place to start.

A goal of every lake association should be getting this magazine into as many of your members' hands as you can. This magazine was created to help your lake association members stay informed and educated on the latest legal rulings, current court cases, ecology matters, tips for preserving and protecting your waterfront property, promoting excellent stewardship of our inland lakes and waterways, and tried and true lake association success stories. Spread the word at your lake association meetings: this magazine is a great way to strengthen your association and lake.

Find out what **Ripple** is on page 25 and Cliff Bloom talks about the new public road end laws on page 21.

Keep sending us your pictures, questions and stories. We love hearing from you.

Enjoy this  
beautiful fall weather!

-publisher, Sharon Wagner

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# for the love of **PENTWATER** *Lake*

Contributors:

Bill Bainton, Lynne Cavazos, Ellen Lightle, Joe Primozych

## OVERVIEW

It's no wonder that for almost 150 years people have been drawn to Pentwater on the shore of Lake Michigan in Oceana County, north of Muskegon and south of Ludington. Every summer thousands of resorters visit the New England-like village, where there are still no traffic lights or fast food franchises. What's the attraction? Just ask the members of the Pentwater Lake Association, whose motto is "For the Love of the Lake."

To get a feel for the location and physical layout of Pentwater, its namesake lake, and relationship to the big lake, first look at a map. Trace your finger along the Lake Michigan coast between the two raised bumps of Little Sable Point and Big Sable Point - both of which have refurbished lighthouses - and you will be able to locate Pentwater tucked in the curvature, just off Highway 31. On the map you will see the Pentwater River connected to Pentwater Lake followed by a channel into Lake Michigan.

## PHYSICAL CHARACTERISTICS OF PENTWATER LAKE

Pentwater Lake is a drowned river mouth lake typical of so many along the Lake Michigan shoreline. The lake is fed by the north and south branches of the Pentwater River, and the watershed covers approximately 116 square miles in Oceana and Mason Counties. Pentwater Lake is approximately two miles long and up to three-quarters of a mile wide, covering over 450 acres. Its shoreline totals about nine miles and is mostly lined with houses. The average depth is twenty-two feet and in most of the lake tends to be deep close to shore. The greatest depth is fifty feet. The depth is not systematically controlled; rather, it is related directly to the water level in Lake Michigan.

Pentwater Lake was originally connected to Lake Michigan by a short winding channel, which was recut directly to the big lake in the 1850s for commercial purposes, thus increasing accessibility to both lakes. The new channel, dug by lumberman Charles Mears, was first bounded by timber piers; they were later concrete capped. The channel was federally maintained from 1867 to 1917, and then again

*(Continued on page 6)*



Photo Credit:  
Top - Pentwater Sportfishing  
Association  
Middle - Barbara Siok  
Bottom - Barbara Siok



*North End of Pentwater Lake 1950s*

periodically starting in 1931. In the early years of the Twenty-First century, the piers were rebuilt and are now steel sheet piled and concrete for the entire length of 2,000 feet. In recent years, because of federal funding constraints, local funding has financed channel maintenance.

## for the love of **PENTWATER** Lake

*(Continued from page 5)*

### **EARLY HISTORY**

The village of Pentwater was founded at the north end of Pentwater Lake in 1857. Several small industries - a sawmill, shingle mill, furniture factory, and brick factory - existed along the north shore of the lake in the late 1800s. Commercial shipping was present, first with schooners, then small package and passenger steamships, from the time of settlement until the early 1900s. Some of the earliest settlers arrived by boat. In 1891, G.A. Williams envisioned Pentwater becoming a





1867 - Charles Mears Channel between Pentwater Lake & Lake Michigan is enlarged by the Federal Government. A Life Saving Station (LSS) was built.



Mid 1850's - Charles Mears (1814-1895) dug a channel between Pentwater Lake & Lake Michigan. About 1858 he built a 660 foot long wooden pier.

world-class resort. Commercial fishing on Lake Michigan was also part of the local scene for many years until shortly after World War II.

From 1858 to 1926, a cable ferry crossed the channel from the south side of Pentwater Lake to town. In 1926 the ferry was replaced by a swing bridge that required a day and night attendant to let water traffic in and out of the harbor. A diving board was actually installed on the bridge, allowing people a favorite pastime of swimming in



1910 - A group of seven ladies [with an unusually well dressed ferry man] posing on the Pentwater ferry.

(Continued on page 9)



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# for the love of **PENTWATER** Lake

(Continued from page 7)

the channel. The bridge was closed to traffic in 1947 and eventually removed. A life saving station was also built on the north pier in 1887; from 1915 to 1958, the U.S. Coast Guard operated the station until it was decommissioned and razed.

## RECENT HISTORY INTO TODAY

With the end of the lumbering era and the loss of manufacturing enterprises, tourism and the resort industry began to take hold in Pentwater. Its ideal setting along Lake Michigan, extensive shoreline around Pentwater Lake, and the development of Mears State Park (donated in 1920 by Charles Mears' daughter) have all contributed to the development of a resort paradise. Today Pentwater Lake is home to both year-round houses and seasonal cottages, recreational boats, charter fishermen, commercial marinas, and a yacht club.

Since the bridge across the channel was closed in 1947, the only access from the village to the south side of Pentwater Lake has been a causeway (Long Bridge Road) crossing the Pentwater River at the east end. In 1986, the dam in nearby Hart Lake, to the south, burst, causing the water to drain and surge into the Pentwater River. Eventually it made its way into Pentwater Lake, causing the Long Bridge Road to be flooded and temporarily closed. Since the 1986 flood, the water level in Pentwater Lake has varied with ever-changing levels in Lake Michigan. At times, the level is so low that cottages and homes have a beach to enjoy, while during other years, the water is so high docks are underwater.

The ecological characteristics of Pentwater Lake have changed as homes, cottages, and a few condominiums and bed and breakfast homes have been



Photo Credit - Pentwater Sportfishing Association

“ In 1891, G.A Williams envisioned  
Pentwater becoming a world class resort.”



Photo Credit: Norma Oly

one municipal marina, two boat launches, two fishing piers, and two locations for kayak storage. A Junior Sailing program for youth is held at the public boat launch in town. There are two commercial marinas, Charlie's and Snug Harbor, providing permanent slips for residential boaters, rental slips for visitors, marine gas, boat rentals, and other related products and services. Pressure washing is available for boats to remove zebra mussels and algae, thus helping to prevent the spread of invasives into Pentwater Lake.

The Yacht Club is situated on Pentwater Lake near the channel. Early sailboat racing started on a limited scale when the club was organized in 1935. There was a water ski club active in the 1950s. By the 1960s large fleets of Sunfish and Lightning sailboats were racing at the club. Eventually the Lightnings were replaced by the 23' Ensign sailboats that actively race today. Since 1999, the Pentwater Yacht Club has hosted an annual wooden boat show, bringing in wooden and antique boats from all over Michigan.

developed around the lake. There are many seawalls, as well as both temporary and permanent docks.

In addition to an increase in residential use, Pentwater Lake has seen a surge in recreation. There are publicly operated sites which facilitate use for boaters and fishermen alike:

(Continued on page 16)



# ASK THE EXPERTS

*If you have a question about water related issues, riparian rights, and/or lakes and streams, etc., let us know by email or snail mail.*

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**Question:** I live on Lake Charlevoix. Can anyone walk on my beach if they are on the wet sand?

**Answer:** In the well publicized 2005 “beach walker” case, the Michigan Supreme Court ruled that members of the public have a right to walk along privately owned **Great Lakes** beaches as long as they do not walk above the “ordinary high-water mark.” The Michigan Supreme Court has defined the “ordinary high water mark” as “the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristic. And where the bank or shore at any particular place is of such a character that is impossible or difficult to ascertain where the point of ordinary high-water mark is, recourse may be had to other places on the bank or shore of the same stream or lake to determine whether a given stage of water is above or below ordinary high-water mark.” Readers should be aware that the 2005 Glass v. Goeckel “beach walker” ruling only pertains to beaches along the **Great Lakes**, and does not pertain to Michigan’s inland lakes, or to lakes such as Lake Charlevoix that have an immediate hydrologic connection with one of the Great Lakes. In most cases, public beach walking on inland lake riparian owned shorelines in Michigan constitutes a blatant act of trespassing.

By Scott Brown  
ML&SA Executive Director

\* \* \* \* \*

Our experts include our riparian attorney, a biologist, a limnologist, an engineer, a college professor and a state agency official. They look forward to responding to your question.

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### NEW MAILING SCHEDULE

You will still receive 4 total magazines with your annual subscription of The Michigan Riparian magazine. The winter issue of magazine will now be delivered in the month of December instead of the month of January. This change will take place December 2016 and will shift all magazine mailings slightly so they will be more in line with the seasons.

*It will go as follows:*

March-spring issue

June- summer issue

September-fall issue

December-winter issue

These changes will take place automatically-you do not have to do a thing. Your regular subscription will not be interrupted and you will still receive all 4 of your magazines no matter when you started your subscription.



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# "Bottomlands Ownership"

By Clifford H. Bloom, Esq.  
Bloom Sluggett Morgan, PC  
Grand Rapids, Michigan  
www.bsmlawpc.com



In Michigan, the land underneath a body of water is generally called "bottomlands". Does a waterfront or riparian property owner own, control or possess the bottomlands adjacent to his or her waterfront property? It depends.

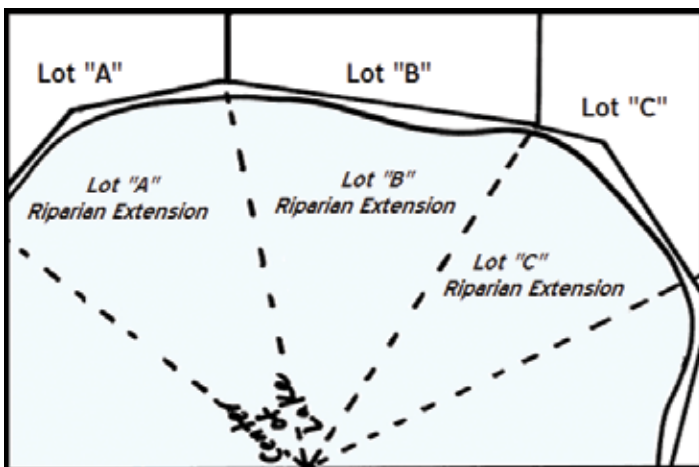
On the Great Lakes, most lakefront property owners own a "movable freehold". That is, they own to the edge of the water, wherever that may be located on a given day. See *Glass v Goeckel*, 473 Mich 667 (2005), the so-called "beach walker case". Given that the Great Lakes has a phenomenon similar to mini-tides, the exact location of the water's edge can vary, even during a 24-hour period. With the Great Lakes, the public owns the bottomlands under the lake. Even though a waterfront property owner on the Great Lakes in Michigan typically owns and controls the waterfront property up to the water's edge, the public is allowed to walk on the beach without permission up to the ordinary high water mark. See *Glass v Goeckel*. There is an invisible and unrecorded public navigation easement up to the ordinary high water mark. While members of the public can walk within that area, they cannot lounge, sunbathe or picnic without the permission or consent of the riparian land owner.

With inland lakes in Michigan, the overwhelming majority of riparian property owners also own a share of the bottomlands under the water to the center of the lake. That is true for about 95% or more of the inland lakes in Michigan. In general, the riparian property owner has ownership, control and possession of his or her bottomlands under the lake and has the exclusive right to use the bottomlands for dockage,

boat moorage, wading, installing and using a swim raft and similar uses and activities. One exception to such common law exclusive rights of riparianism is the ability of a boater to temporarily anchor or moor on the bottomlands of another without permission for navigability purposes, including fishing and taking refuge during storms. However, that right to temporarily anchor on the bottomlands of another without permission is limited. See *Hall v Wantz*, 336 Mich 112 (1953); *Gregory v LaFaive*, 172 Mich App 354 (1988) and *West Michigan Dock & Market Corp v Lakeland Investment*, 210 Mich App 505 (1995).

Even though most riparian property owners on inland lakes in Michigan own a share of the bottomlands under the water to the center of the lake, it is often quite difficult to ascertain the exact location and configuration of side lot lines of bottomlands ownership under the water. Almost never do the riparian boundary lines under the water radiate at the same angles as the side lot lines of the riparian property on dry land. See *Heeringa v Petroelje*, 279 Mich App 444 (2008) and *Weisenburger v Kirkwood*, 7 Mich App 283 (1979). Determining underwater riparian boundary lines on a fairly round lake is typically quite easy – the underwater riparian boundary lines resemble the pieces of a pie. Determining bottomlands ownership becomes more difficult with an irregularly shaped lake or a lake that has many bays and peninsulas. If adjoining riparian land owners cannot amicably resolve a dispute over their common riparian boundary line, the ultimate authority is a Michigan court. As more than one judge has put it, determining riparian boundary lines "is more of an art than a science". Although experienced surveyors and engineers can give their opinion regarding the location of underwater riparian boundary lines for inland lakes in Michigan, those are only opinions, subject to final determination by a court.

There are a few natural inland lakes in Michigan where riparian boundary lines do not radiate to the center of the lake. Those typically fall into one of two categories. First, in rare instances, one person or entity at one time owned the entire lake and kept title to the bottomlands as lots or properties around the lake were sold. Second, on occasion, when parcels on a lake were originally sold, the legal descriptions extended out into the lake in various areas.



The owners of Lots A, B, and C in the diagram own their respective 'slice of pie' to the center of the lake, even if their deeds do not specifically reference the same.

(Continued on page 15)



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## Bait Dumping Offers Invaders Path to Great Lakes

AP article by John Flesher  
August 28, 2014

*Publisher's Note: John Flesher's article is "an ounce of prevention" approach to keeping the Great Lakes and inland lakes safe from invasive species. Lakes Preservation League, a member of Michigan Lake & Stream Associations, has taken action by putting reminders on windshields of cars parked at the public ramp, and plans to post this reminder there for all to see--DON'T DUMP LEFTOVER BAIT INTO THE LAKE!!!*

TRAVERSE CITY, Mich. (AP) — Inadequate regulation of the bait fish trade and carelessness on the part of anglers may be allowing invasive species—including widely feared Asian carp—to reach the Great Lakes and inland waterways, according to a scientific paper released Thursday.

Researchers with Central Michigan University and the University of Notre Dame said they tested water samples from tanks containing small fish for sale as bait at more than 500 shops across the eight states on the lakes and found that 27 tested positive for invasive species' DNA. Positive hits for silver carp, one of the Asian varieties threatening to reach the Great Lakes, were recorded in three water samples from shops along the Lake Erie shore in Ohio.

The team also detected genetic material from round goby, tubenose goby and Eurasian rudd, which are already in the Great Lakes although authorities hope to prevent them from reaching inland lakes and other waters. They also found traces of goldfish, which are classified as an invasive foreign species despite being widely available for purchase at pet stores.

"While overall only a small percentage of bait shops had evidence of invasive species, it is nevertheless alarming that at least some invaders are being spread

by anglers, the very group of people that value the Great Lakes fishery the most," said Andrew Mahon, one of the paper's co-authors and a molecular ecologist at Central Michigan's Institute for Great Lakes Research. The report was being published in the journal *Conservation Biology*.

"Many states urge anglers to not dump unused bait into the water but not everyone obeys," Notre Dame scientist Christopher Jerde said. A study in Canada found that over 30 percent of anglers were releasing unwanted minnows into waterways instead of discarding them in trash cans or freezing them for future use.

The scientists described their study as the first systematic effort to document the presence of invasive species in bait supplies using the tool known as "environmental DNA," in which water samples are examined in a laboratory for signs of genetic fingerprints from particular fish.

"It's a more effective detection strategy than simply examining containers of live fish," Jerde said. The typical bait tank

contains tens of thousands of minnows, and at that early stage of life many invasive species are barely distinguishable from native ones. Additionally, DNA analysis of a water sample reveals a better snapshot of the variety of species in a tank than a few scoops of fish removed for visual inspection.

The DNA method is also used in the hunt for Asian bighead and silver carp in waterways around Chicago that are considered the likeliest routes for those large, voracious invaders to reach the Great Lakes. Experts fear the invasive species could disrupt aquatic food chains and out-compete native species.

While the debate over shielding the lakes from Asian carp has focused largely on how to seal off potential entry points, the scientists said bait also represents a serious threat.

"If we ignore this pathway for spread of invasives, then we will likely be too late to prevent the damages they could ultimately cause," said Lucas Nathan, a Central Michigan biologist and the paper's lead writer.

*(Continued on page 32)*



*An Asian carp, jolted by an electric current from a research boat. (AP Photo/John Flesher)*

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# "Bottomlands Ownership"

(Continued from page 11)

In Michigan, the legal descriptions or deeds for properties on an inland lake almost never extend out to the center of the lake or even out into the lake. Instead, the courts interpret a property to be riparian or lakefront on an inland lake if the legal description or deed references the lake or body of water (for example, using language such as to the water's edge, to the shore, to the lake, ends at the water's edge, along the water's edge, etc.). See *Hilt v Weber*, 252 Mich 198 (1930); *Mumaugh v McCarley*, 219 Mich App 641 (1996) and *Bauman v Barendregt*, 251 Mich 67 (1930).

In order to be waterfront or riparian, a property must touch the body of water. If there is a significant gap in ownership between the water and the property involved, the property is generally not riparian or waterfront. See *Thompson v Enz*, 379 Mich 667, 473 (1967); *Little v Kin*, 249 Mich App 502 (2002); *aff'd in part and reversed in part*, 468 Mich 699 (2003) and *Sands v. Gambs*, 106 Mich 362 (1895).

What about artificial bodies of water? In the past, most artificial bodies of water were treated in a similar manner

as inland lakes in Michigan for purposes of riparianism, bottomlands ownership, etc. Unfortunately, however, the Michigan Court of Appeals upended the law regarding artificial lakes in *Persell v Wertz*, 287 Mich App 576 (2010) and *Holton v Ward*, 303 Mich App 718 (2014). While the Court of Appeals held in those cases that artificial lakes cannot have riparian rights and that normal rules or riparianism do not apply, the Court unfortunately did not indicate which rules do apply to artificial lakes. Accordingly, the law in Michigan is currently unclear regarding whether or not waterfront property owners on artificial lakes own the bottomlands to the center of the lake, can use the entire surface of the lake, can install and utilize docks, etc. For more information about the law of artificial lakes, please see my earlier articles in *The Michigan Riparian* magazine in the Summer 2010, Spring 2014, and Summer 2015 issues. Those issues can also be read online at [www.mi-riparian.org](http://www.mi-riparian.org).

Obviously, there is more to lake bottomlands ownership in Michigan than many people assume. *R.*

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*Pentwater Burn*  
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Progressive Engineering is the contracted consultant through 2018. Eurasian Milfoil, Starry Stonewort, and Cabomba are the current targeted invasives.

Another area of concern has been the lake shoreline and marsh or river wetlands, where there has been a vast spread of phragmites, a tall invasive grass. In 2013, several riparian owners called for help because with lower water levels, the

(Continued on page 19)



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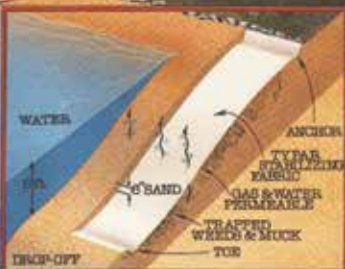
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# for the love of PENTWATER Lake

(Continued from page 17)

phragmites had grown twelve feet high. The first strategy was to cut the grasses with the help of a local Boy Scout troop. Then the grasses were piled and burned. That reduced the stand but did not eliminate it.

In 2015 the lake water level rose over one foot, and the shoreline phragmites drowned out, but in the marsh the water did not act as a limiting factor. Susie Knoll of the Oceana Soil Conservation District offered a new approach. The first step was to identify where the stands of phragmites were. Next the PLA took GPS readings and submitted a worksheet of locations to



Photo Credit: Barbara Siok

the DEQ for approval to treat. Then the DNR fire control team organized and executed a planned burn of their own Pentwater wetlands and marsh area. An amphibious marsh master vehicle set the perimeter of each burn and then back burned the areas repeatedly in a controlled manner. This occurred on January 5, 2016, and effectively burned eighty of the ninety-five targeted acres. The Michigan State Police used its flying drone to identify the area covered in the burn; this was the first run of its kind for the police drone team. The weather conditions were good, and the system worked well. With snow on the ground, moisture in the plant stems was below sixteen percent, and the wind was less than ten mph from the southwest. In the fall of 2016, the second and final control step will occur using a contact poison on the stems of the remaining phragmites. The process will not be repeated for five years, at which time another evaluation will take place.

(Continued on page 20)



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# for the love of PENTWATER Lake

(Continued from page 19)

With an eye toward how future generations will respect the lake, there has been a push to involve youth in various projects. The junior high school fish club has been responsible for cleaning of fish sites; the Boy Scouts have cleared the fish line collecting stations; the high school green club annually conducts an aquatic plant study of one bay on Pentwater Lake. The students also make a collection of aquatic plants, both native and invasive, for riparian property owners to use in identifying what plant life exists on their shoreline.

Meanwhile, fishermen have begun to notice declining numbers in certain



Photo Credit: Barbara Siok

fish populations. The PLA and the Pentwater Sport Fishing Association have connected with the DNR, Michigan State Extension Service, and Michigan State University Fisheries Department to evaluate how fish populations are changing in the lake. A creel count, with local anglers recording their catches, has been initiated. The PLA is also working with a group of riparian owners to record the number

of fish spawning beds in selected areas of the lake.

As you can see, several cooperative approaches by both volunteers and professionals, are being utilized to manage Pentwater Lake. These many efforts will enable people to understand and respect the lake and its resources, protecting them now and well into the future - all "for the love of the lake." *R*

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# New Public Road End Law Passes Court Challenge

By Clifford H. Bloom, Esq.  
Bloom Sluggett Morgan, PC  
Grand Rapids, Michigan  
[www.bsmlawpc.com](http://www.bsmlawpc.com)

MCL 324.30111b was enacted in 2012 (the “Statute”). The Statute prohibits private docks and piers at public road ends at lakes, as well as the overnight storage, moorage or docking of boats or watercraft. The Michigan Court of Appeals recently addressed the statute in *Colthurst v. Bryan* (unpublished decision by the Michigan Court of Appeals dated June 14, 2016; Case No. 323539; 2016 WL 3297644).

In *Colthurst*, the public road right-of-way at issue ended at Wamplers Lake in Lenawee County, Michigan. The road right-of-way itself was undeveloped and in a grassy state. For over 50 years, a number of off-lake or backlot property owners had installed and utilized a dock and moored boats at the dock seasonally. The owner of one of the adjoining riparian or waterfront lots objected to the backlotters’ activities at the public road end and filed a lawsuit. Ultimately, both the trial court and the Michigan Court of Appeals ruled in favor of the riparian lot owner and required that the private docks and boats be removed from the public road end.

The Court of Appeals carefully reviewed the Statute and held that the public road right-of-way at issue is covered by the Statute, even though the public road itself was undeveloped. The Court of Appeals also rejected the arguments of the backlot property owners that they had a vested right in dockage and boat moorage at the public road prior to the Statute becoming effective in 2012, such that they should be able to continue those activities on the public road end.

The Court of Appeals also rejected the backlotters’ argument that the public had obtained a prescriptive easement for dockage and boat moorage at the public road end.

Putting aside the Statute, the backlotters also argued that they should have the right to continue to use their private dock and boat moorings at the public road as had occurred for over 50 years. Both the trial court and the Court of Appeals rejected that argument based on *Higgins Lake Property Owners Association v. Gerrish Township*, 255 Mich App 83 (2003) and *Jacob v. Lyon Township* (After remand), 199 Mich App 667 (1993). Road ends at lakes are presumed to provide access only and do not accord members of the public the right to private dockage, seasonal boat moorage, etc. *Ibid*. The Court of Appeals also held that evidence of historical usage years after the road right-of-way had been dedicated is not helpful and generally should not be considered by the courts. *R.*

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With the financial assistance of the Prairieville Township Board of Trustees, the Prairieville Parks and Recreation Commission, the Delton Crooked Lake Association and private donors, a watercraft wash station--the first in southwest Michigan--has been constructed at the Upper Crooked Lake Township launch site by volunteers from the lake community.

The purpose of this wash station is to help control the further introduction of aquatic invasive species (AIS). Upper Crooked Lake currently hosts five AIS which is more than any other lake in the area.

Property owners are currently paying over \$345,000 during each seven year AIS special assessment cycle to control these five. New invasives could increase this amount substantially and negatively impact lakefront property values by double digit percentages.

Research consistently verifies that recreational boaters are the primary carriers of AIS and that the most effective control is the power washing of contaminated watercraft prior to launching.

A study conducted by a small group of concerned lakefront residents at the Upper Crooked Lake launch site last summer found that approximately twelve percent of the watercraft (80 boats annually) launched at this site were not properly cleaned, drained and dried. And, it only takes one contaminated boat to introduce a new non-native plant or animal.

The station will be staffed during prime usage periods by trained attendants and self-wash equipment will be available during non-manned hours.

A new Township aquatic invasive species ordinance--one of the few in the State of Michigan--requires all site users to have their watercraft inspected upon entry and decontaminated, if indicated, prior to launching. Watercraft owners may refuse this service and exit.


A unique feature of this wash station is the requirement that all watercraft be power washed







prior to exiting. This is a "good neighbor" initiative designed to prevent the movement of AIS away from Upper Crooked Lake and into nearby lakes.

A variety of awareness materials will be provided to all launch site users in an attempt to educate recreational boat owners about the negative environmental, recreational and economic impacts caused by aquatic invasive species and what they can do to help control the further introduction of new invasives. 

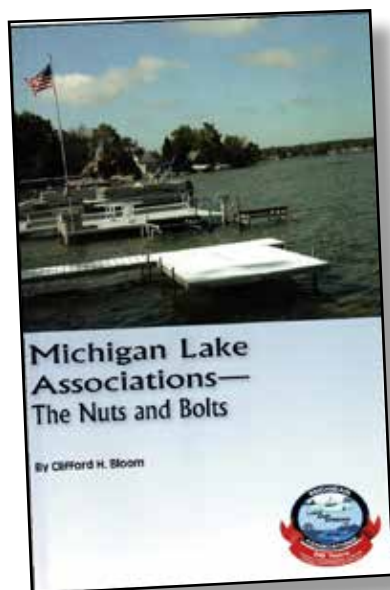
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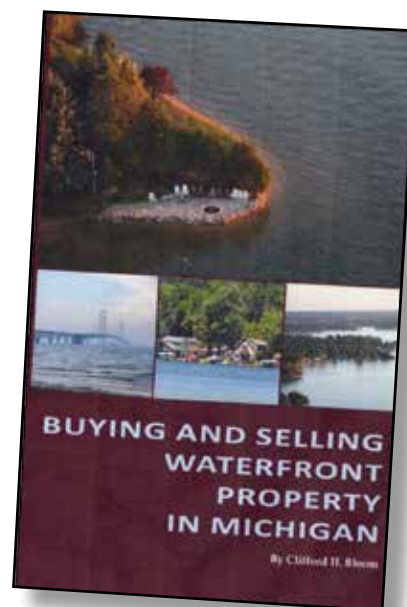


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Credit: Paige Filice

*Build water gardens away from other waterbodies to prevent escape of non-native animals and plants during flooding events.*

## Are Invasive Species Lurking in Your House?

Paige Filice, Research Assistant  
Michigan State University

It is common knowledge many aquatic invasive species spread throughout Michigan's lakes and streams by hitching rides on boating equipment and fishing gear. But how do exotic plants and fish first find their way into Michigan? The answer may surprise you and may even be lurking in your house! While boats and fishing gear are major vectors, aquariums and backyard ponds are another less well known source of exotic species.

Unsuspecting aquarists and gardeners sometimes release their unwanted pet fish and overgrown plants into lakes and streams when they can no longer care for them, under the assumption they are making a humane decision. Unfortunately, most plants and animals sold in the aquarium and nursery trade are not native to Michigan and some become established in our lakes and streams causing irreversible harm. They flourish in a variety of environmental conditions and reproduce rapidly, making them ideal for household aquariums or backyard ponds, but major environmental risks to lakes and streams if they are let loose. While some tropical animals and plants cannot tolerate Michigan's climate and may never become established, releasing aquarium and water garden species can introduce harmful diseases that affect native wildlife. Some of the most common aquatic invasive species found throughout Michigan and the world originated in the aquarium and pond trade.

Not all introductions of plants and animals from the aquarium and water garden trade are intentional. Ponds can be especially problematic if they are located near a body of water and are able to overflow into lakes or streams during heavy rain events. This is likely what led to the invasion and establishment of water hyacinth in the southern United States. Water hyacinth is a beautiful aquatic plant with light purple flowers and glossy leaves; however it is highly invasive and is on the International Union for Conservation of Nature's list of 100 of the world's worst invasive alien species. It forms dense mats on the surface of the water impeding



Credit: Sarah LeSage

*Some exotic fish can survive Michigan's winter climate, such as this koi caught in the St. Joseph River.*

boat traffic, clogging waterways, and interfering with wildlife. Due to its free-floating nature, it prevents sunlight from penetrating into the water, reducing the growth of native submersed aquatic plants which many aquatic organisms rely on for shelter and food. Water hyacinth was first introduced to the United States in the late 1800s from South America and is commonly sold in Michigan.

*(Continued on page 26)*



## Are Invasive Species Lurking in Your House? *(Continued from page 25)*

It has been found in waterways in southeastern Michigan, including Lake Erie Metropark, where it persisted for years even though it was commonly believed to be unable to survive Michigan's winter temperatures.

### RESPONSIBLE PRACTICES

When choosing plants and fish for your backyard pond or aquarium, consider asking your local retailer for native species. There are many varieties of native aquatic plants that can add great beauty without as many risks. There are also options available if you have a water garden or aquarium you no longer want or have the ability to care for. Consider giving or trading unwanted fish or plants with another hobbyist, environmental learning center, aquarium or zoo or try returning it to the store you purchased it from. Remember never release any exotic animal or plant from an aquarium or pond into a waterway- even if you believe it will not survive. Always dispose of plant material in a plastic bag in the trash, do not compost. If you are installing a backyard pond, be sure to build it away from waterways and do not allow it to overflow.

### NEW INVASIVE SPECIES EDUCATION CAMPAIGN: RIPPLE

To better educate consumers and retailers in the aquarium and water garden industry about aquatic invasive species the Michigan Department of Agriculture and Rural Development and Michigan State University Extension developed the education campaign RIPPLE: Reduce Invasive Pet and PLant Escapes. Materials are being distributed to retailers across the state to remind citizens to properly dispose of their aquariums and water gardens away from Michigan's lakes and streams. Encourage your local retailers to support the campaign and to display RIPPLE materials.


To learn more about the RIPPLE campaign and materials available, visit [www.mi.gov/invasivespecies](http://www.mi.gov/invasivespecies) or follow the RIPPLE campaign on Facebook at [www.facebook.com/miripple](http://www.facebook.com/miripple). *R*



Credit: Hans Hillewaert


*Water hyacinth, a commonly sold water garden plant in Michigan, is highly invasive in the southern United States and thriving colonies are regularly found in Michigan waterways.*





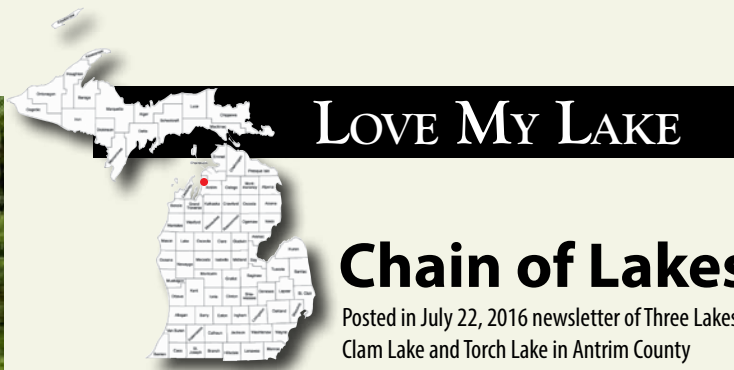
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(Send pictures in jpeg or 300 dpi.)

## Chain of Lakes Water Trail

Posted in July 22, 2016 newsletter of Three Lakes Association, serving Lake Bellaire, Clam Lake and Torch Lake in Antrim County



Paddle Antrim is leading the effort to create and market a new non-motorized water trail through the Chain of Lakes. A water trail is a designated route along a river, lake, canal or bay specifically designed for people using small, non-motorized boats like kayaks, canoes, single sailboats or rowboats. These trails are the aquatic equivalent to a hiking trail.

Water trails offer many benefits including encouraging healthy lifestyles, foster a strong sense of community and place, provide an opportunity for social interaction, encourage preservation and protection of local waterways, and positively impact the local economy.

Many significant shore lands have already been protected as parks and natural areas within the Chain of Lakes which are great assets for a water trail. In 2014, the Grand Traverse Regional Land Conservancy developed an inventory of potential access points for the water trail, as well as information on potential paddling routes and points of interest. We appreciate being able to use this information as a foundation to continue moving the project forward.

Right now we are seeking official endorsement of public access points for inclusion in the water trail from the units of government who own the launch sites. They will develop a water trail plan by the end of the year which will include a final map showing the access points and identifying a variety of trail routes, including their level of difficulty as well as a list of recommended future improvements which may include better parking areas, universally accessible kayak and canoe sites, enhanced restroom facilities, signage, and places to clean watercraft to discourage the spread of invasive species. We look forward to sharing this plan with you and others who share an interest in these amazing waters for your consideration. We will continue to work with a long list of public and private sector partners to develop the new water trail.

Paddle Antrim is deeply committed to the stewardship of the waterways. We are excited about the opportunity to integrate information about water quality protection and stewardship into the planning and marketing effort for the water trail. With the support of many partner organizations,

we will prioritize information on invasive species and other concerns into our marketing materials. We hope to develop and install some modest signage at strategic access points along the route that provides information about ways that recreational users can support and sustain on-going efforts to preserve and manage lands and shorelines to maintain high water quality. This includes sharing information about the on-going efforts and leadership of local watershed groups, lake associations, and others in their important water quality monitoring and protection work.

To learn more, please contact Deana Jerdee at [deana@paddleantrim.com](mailto:deana@paddleantrim.com) or 231-492-0171 or find us on the web at [www.paddleantrim.com](http://www.paddleantrim.com).



# Recommendations for Improving Your Lake Association in a Time of Rapid Change

By Scott Brown  
ML&SA Executive Director

Many of Michigan's lake communities are undergoing rapid change. One of the most visible signs of that change is that many of the modest cottages that were built by our parents and grandparents during the economic boom years that followed World War II are now being demolished at a rapid pace to make way for large luxury homes that often occupy two or three lakefront lots. Accompanying this phenomena is an increase in the number of "lakefront property for sale" signs as the owners of more humble abodes or undeveloped lots attempt to cash in on the "gentrification" driven real estate bonanza. Gentrification is a general term that is used to describe the arrival of a more affluent group of people to an existing community that is often accompanied by dramatic increases in property values and rents, and significant changes in the community's character and culture that may occur as a result. Beyond the obvious and in our opinion lamentable fact that gentrification will inevitably make the dream of lakefront living in some areas of Michigan off limits to all but the most affluent, the trend will also have a significant impact on how we manage our inland lakes and the lakefront property owners associations that are such an important part of life at the lake. Combine increased gentrification of the lakefront with significant changes in the way we shop, conduct our daily business, and communicate with, and relate to other people, including our co-workers, relatives, friends, and neighbors in an age of pervasive social media and increasingly busy lifestyles, and you have a sure fire recipe for big changes within many of our lakefront communities. Right now there are many more questions than answers as to how these changes might affect our



inland lakes and the lakefront property owners associations that are dedicated to preserving the quality of our lakes. Here are just a few examples of the many questions that the leadership of Michigan Lake and Stream Associations is currently pondering:

- In an era dominated by social media and busy lifestyles, will a new generation of more affluent lakefront homeowners be as likely to become members of your voluntary lake association?
- Will an increasingly large group of people that reside at the lakefront only on weekends and on long holidays be willing to join your association and participate in lake association related activities?
- Will a new generation of folks fortunate enough to live at the lakefront take an interest in lake ecology, water quality monitoring, and/or be willing to contribute to resolving ecological problems within or around the lake?
- Will a decidedly more affluent group of lakefront property owners be as inclined as previous generations to participate in "quiet" water sports such as fishing, or will they be more inclined to engage in "noisy" powerboat enabled sports such as wakeboarding and water skiing?
- To what extent will lake associations be forced to change the way they do business in order to accommodate the lifestyles and attitudes of a new generation of lakefront residents?

For an organization such as Michigan Lake and Stream Associations that has spent the last fifty five years pro-actively supporting the various educational, stewardship, and conservation initiatives of lakefront property owners associations, we often wonder how rapidly occurring changes at the lakefront might affect our



member lake associations and their ability to work with a new, decidedly more affluent group of folks. While we don't have a lot of answers to these increasingly important questions at this point, what we do know is that our lakefront property owner associations should "batten down the hatches", and prepare for a time of considerable change. In a state such as Michigan that lacks a comprehensive statewide suite of lake protection regulations that mandates what can and can't happen near our inland lake waterfronts, lake associations play an increasingly important role in preserving the health and quality of our lakes. The efforts of our state's lake associations over the course of the past fifty years have been instrumental in preserving the quality of our inland lakes, the viability of the unique communities and lake dependent businesses that surround them, and in protecting valuable opportunities for public access. Yet, dramatic changes that are occurring within many of our lakefront communities require that our property owners associations again re-think the way they are doing business in order to preserve their relevance in a rapidly changing world. We have written this article in order to bring attention to some of the more visible changes that are occurring within many of our inland lake communities, and to highlight some great examples of how Michigan's most successful lake associations have worked to strengthen their organizations and improve their overall ability in response to the often significant changes that are occurring within their respective communities.

## FORM AN ALLIANCE WITH LOCAL GOVERNMENT



The most successful lake associations in Michigan are those that have worked hard to develop an on-going collaborative relationship with their respective township government officials. One of the most important duties of a lake association leader is to pro-actively recruit the support of local government officials in helping to protect what is

likely the most valuable resource in your community – inland lakes. Many lake associations have created a local government liaison committee whose primary goal is to help familiarize township officials in regard to issues of special significance to your lake and surrounding community, and to educate township officials about their authority under current Michigan law to pass ordinances designed to protect inland lakes and streams. Under Michigan law, township officials have a variety of viable options open to them that can serve to protect community water resources. Decision making powers associated with the issuance of building permits, aquatic


(Continued on page 30)



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# Recommendations for Improving Your Lake Association in a Time of Rapid Change

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invasive species prevention ordinances, anti-funneling ordinances, building set-back ordinances, and passage of wetland and natural feature protection ordinances are but prime examples of the overall authority of township governments. Your job as a lake association leader or member interested in protecting your inland lake is to make sure that your local government officials fully appreciate the value of your inland lake and their potential role in helping you protect valuable local water resources. To learn more about the role of local governments in protecting our inland lakes and their associated natural resources, acquire a copy of the guidebook entitled **Protecting Michigan's Inland Lakes – A Guide for Local Governments**. We also encourage you to visit the Michigan Lake and Stream Associations website at [www.mymlsa.org](http://www.mymlsa.org) to view a newly created special section

“The most successful lake associations are those that proactively work to build, promote, and sustain a strong sense of community pride.”

entitled **Protecting Michigan's Inland Lakes – A Toolkit for Local Governments**. Here you will find links to download both the local government guide, as well as a companion guide published under the same title that provides a myriad of additional information pertaining to the role of local governments in enacting ordinances designed to protect our inland lakes. Both the guidebooks and the accompanying on-line toolkit were developed by the Michigan Department of Environmental Quality in cooperation with several organizations including the Michigan Natural Shoreline Partnership, the Van Buren Conservation District, Michigan State University Extension, the Southwest Michigan Planning Commission and Michigan Lake and Stream Associations.

## FORM A PARTNERSHIP WITH LOCAL AND REGIONAL WATER RESOURCES STEWARDSHIP ORGANIZATIONS

Don't be afraid to reach out to state, regional, and local water resources stewardship focused organizations for guidance and support of your lake association's mission and goals. In a state blessed with a vast number of high quality freshwater resources, no single organization or agency possesses the wherewithal to effectively manage all of our water resources. The key to success is often found by developing a good working relationship with Michigan's conservation districts, watershed groups, Michigan State University Extension, and/or a host of other community and regional conservation and stewardship organizations that are often ready and willing to lend administrative, organizational, or technical assistance to your



project. In this business, success often walks hand-in-hand with collaborative partnership!

## ESTABLISH A GOOD WORKING RELATIONSHIP WITH LAW ENFORCEMENT AGENCIES

By working to build a good working relationship with local, county, and state law enforcement agencies your lake association is helping to ensure that the men and women in blue patrolling in your area are familiar with the unique needs and potential law enforcement challenges of your community. Communicating with law enforcement agencies on a regular basis will also allow you to familiarize officers with areas of water law and/or state laws pertaining to aquatic invasive species control that they may not be familiar with. As the primary stakeholders of the need for peace and tranquility within your community, particularly during the long, holiday weekends of summer, building a relationship of mutual trust and support with law enforcement agencies can pay handsome dividends.

## CREATE AN ATMOSPHERE THAT PROMOTES COMMUNITY PARTICIPATION AND PRIDE

The most successful lake associations are those that pro-actively work to build, promote, and sustain a strong sense of community pride and belonging where a large percentage of the members enthusiastically





## CREATE A LAKE COMMUNITY FOCUSED WEBSITE

In this era, a lake association and/or lake community dedicated worldwide web presence is almost mandatory for those that are serious about creating a unique sense of community, pride and place. By designing and launching a vibrant, colorful, and information rich website that reflects the values, mission, and goals of your association, you are in essence creating a highly effective and relatively inexpensive means of communicating with your members, your collaborative partners, and other important stakeholders within your community. An effective lake association website does a good job of balancing a diverse portfolio of relevant and timely information with photographs and graphics that portray the natural beauty of your lake and surrounding community.

Great examples of spectacular lake association websites in Michigan are those that have been created by the Perch Lake Owners Association in Iron County, viewable at [www.perchlakeassociation.com](http://www.perchlakeassociation.com); and Glen Lake Association located in Glen Arbor, and viewable at [www.glenlakeassociation.org](http://www.glenlakeassociation.org). Creating a Facebook page that compliments the look and content of your website is also another great way to communicate with your members



participate in association sponsored projects, events, and meetings. Creating a robust organization that plans and promotes a variety of both fun and constructive lake focused events and projects helps generate a level of excitement and pride that encourages your members to become engaged in the community. The level of community participation in association sponsored events like the annual association meeting, picnic, or 4th of July pontoon boat parade is considered an important indicator of community pride, and is a good measure of how many people on your lake are likely to also participate in lake stewardship activities such as water quality monitoring, aquatic invasive species detection, shoreline cleanup, or association sponsored educational opportunities.

*(Continued on page 33)*



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# LAKE HAPPENINGS

(Continued from page 13)

The scientists said members of their team visited 525 retail bait shops in 2012 and 2013, buying buckets of minnows from each. They analyzed 576 DNA samples from the water. The 27 positive hits represented 4.7 percent of all samples.

Michigan had the highest number of positives with 13, including seven for round goby, three for tubenose goby, one for Eurasian rudd and two for goldfish. Each state except Minnesota and Wisconsin had at least one positive reading.

The silver carp DNA in Ohio came from the western Lake Erie basin around Sandusky Bay, where Asian carp DNA has been detected previously. "Each of the shops where it turned up had dealt with the same wholesaler," Jerde said.

Bait policies vary widely between the Great Lakes states, the paper said, urging more consistency.


"You could have really tight regulations in one state but if the state next door does not and they're basically an open system for moving bait around, they become a potential source for invasives being introduced," Jerde said.

Nick Popoff, a fisheries regulator with the Michigan Department of Natural Resources, said the state prohibits use of invasive fish as bait and will conduct its own studies. "DNR law

enforcement units monitor more than 500 licensed dealers," he said.

"The study doesn't prove that invasive fish are being transferred between waterways through bait dumping but raises concerns," Popoff said.

"It does mean we should ... be vigilant on the movement of bait and recognize it is a pathway," he said.

Follow John Flesher on Twitter at <http://twitter.com/JohnFlesher> 



## The Practical Guide to Lakefront Living: Enjoying and Conserving Your Lake

Lake ecology, natural shorelines, swimmers itch, fishing with conservation in mind, e-coli bacteria, dock placement, riparian rights, algae blooms, Michigan boating law, watershed management, aquatic invasive species and Special Assessment Districts are just a few examples of the important topics that are covered in this unique guidebook that was written and published by ML&SA with Michigan lakefront home owners in mind!

***Information on how to order the guidebook will be available soon!***



***Available from ML&SA in November!***



## Recommendations for Improving Your Lake Association in a Time of Rapid Change

(Continued from page 31)

as well as help you promote participation in association sponsored events and projects. Keep in mind that a younger generation of lake association members and lake stakeholders are usually equipped with mobile “smart phones” that allow them to browse your association's website and Facebook page anywhere, and at any time.


### CREATE AND DISTRIBUTE A LAKE COMMUNITY FOCUSED NEWSLETTER

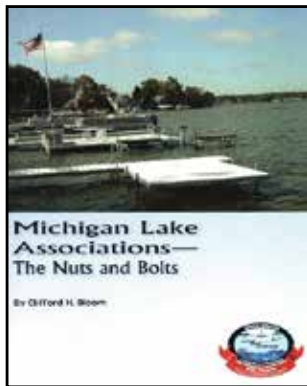
A monthly or quarterly newsletter circulated to everyone within the waterfront community via e-mail and/or snail mail is a relatively inexpensive and effective method of communicating lake community news, events, educational articles, and ideas to your membership. Combined with a vibrant, colorful, and content rich lake dedicated website and Facebook page, a periodic newsletter serves as another great way for association leadership to foster a sense of community pride, place, and “we’re all in this together”

attitude that encourages folks to become involved in lake association events and projects.

### PURCHASE A COPY OF THE ML&SA BOOK ENTITLED MICHIGAN LAKE ASSOCIATIONS – THE NUTS AND BOLTS

Lake communities wishing to form a lake association in Michigan, or for lake associations striving to improve and strengthen their organizations in response to the many changes that are occurring at the lakefront, water law and riparian rights attorney Clifford H. Bloom has authored a comprehensive guide that covers in great detail the many topics that are relevant to creating and administering effective lake associations in Michigan. The book is available for purchase

on the ML&SA website found at [www.mymlsa.org](http://www.mymlsa.org); or by contacting the ML&SA office at [info@mlswa.org](mailto:info@mlswa.org). 



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Perch Lake Owners Association  
at e-mail [jjnovitski@gmail.com](mailto:jjnovitski@gmail.com).

Learn more about the CLMP at <http://www.micorps.net>

As usual, the CLMP training will also be held in  
conjunction with the ML&SA Annual Conference,  
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