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Published and designed  
specifically for waterfront  
property owners and  
enthusiasts



# THE MICHIGAN **RIPARIAN**

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*Photo Credit Marge Beaver*

## *Mona Lake*

Mona Lake is nestled in Muskegon County, Michigan between the cities of Muskegon and Grand Haven. Nearly 700 acres in size and 42 feet deep at its deepest point, Mona Lake is home to perch, walleye, bass, pike, musky and panfish. Mona Lake also provides a quick passage to Lake Michigan for salmon fishing.



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# FROM THE PUBLISHER



## Lots of Helpful Advice and Information

This issue of The Michigan Riparian takes you to the west side of the state to beautiful Mona Lake in Muskegon County. Read about Mona Lake's history; learn why it was once called Black Lake and why its name was changed. Go back in time and see the picture of the floating bridge that was once there.

The DNR and DEQ are trying to pinpoint the locations of European water-clover around Michigan. They need your help and would like you to report any findings in your waters. See page 11 for information and pictures of this nuisance plant.

At some point in time you may be either buying or selling your waterfront property. Cliff Bloom lends great advice for avoiding pitfalls and covers the important topic of purchase/sales agreements on page 9 in the Attorney Writes feature.

Have you heard about the new program called the Michigan Shoreland Stewards Program? The Michigan Natural Shoreline Partnership (MNSP) has launched this program specifically for shoreland property owners to assist them with the best management practices to protect their lake. You can find all the details on page 32.

This issue of The Michigan Riparian magazine is filled with topics that we hope will interest you. Find out what methods Perch Lake is using to combat aquatic invasive species. Get more information on boat washes on pages 26 and 27. If you have ever questioned the roles of lake associations and local government, the article on page 27 will equip you with the answers. As many of you already know, lake management can be a huge undertaking. The article on page 20 provides valuable information for addressing the challenges.

Please keep sending us your pictures, articles, questions and emails. We love hearing from you.

Happy spring!

-publisher, Sharon Wagner  
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# THE STORY OF *Mona Lake*

Mona Lake has about 700 acres of water and is located in Muskegon County between Muskegon and Grand Haven. Like many lakes in the area, it is fed by the inland watershed, principally Black Creek, and drains out to Lake Michigan after passing through the sand dunes, which line the western Michigan shore. The majority of Mona Lake is located in the city of Norton Shores with four public parks, 373 homes, two boat launches, and one airport, owned by Muskegon County.

The city of Muskegon Heights operates Mona Lake Park at the east end of the lake. It has a public boat ramp with parking for about 45 boat trailers and provides fast, easy access to Lake Michigan with only one, short no-wake zone. In addition, the Mona Lake Boating Club has a boat launch with parking for about 45 trailers. It is a private club but does sell fuel to the public. On a good summer week, over a thousand small watercraft will pass through the channel connecting Mona Lake and Lake Michigan.

## History of Mona Lake

Mona Lake was originally called Black Lake and still gets most of its water from Black Creek and Little Black Creek. The Muskegon & Ferrysburg Railroad, later named the Western Michigan Railroad, served the area. The railroad station serving the lake area was named for the railroad superintendent's daughter, Mona. Gradually, the lake became known as Mona Lake. The lake was home to several early sawmills and provided transportation for local fruit farmers to move their harvests to ships on Lake Michigan.



*The Float Bridge was built in 1900 and could be opened in the center to allow boats to pass. It did not allow electrical supply lines to reach the south end of Mona Lake.*

*(Continued on page 6)*



# Mona Lake

(Continued from page 5)

The Mona Lake channel was kept dredged to a depth of six feet and a dock extended a hundred feet into Lake Michigan to support transfer of lumber and fruit to ships bound for Milwaukee and Chicago. A railroad spur line provided transportation from the east end of Mona Lake up to Pere Marquette Park. Some of the station foundations can still be seen along the north side of the channel.

In 1981, the Mona Lake Improvement Association permanently stabilized the channel with steel walls and stone jetties. They continue to provide dredging, as needed.

## Maranatha

Maranatha Bible and Missionary Conference occupies 88 acres at the west end of Mona Lake with frontage on Lake Michigan and has evolved from the Lake Harbor Hotel, purchased in 1926 by a prominent Chicago evangelist.

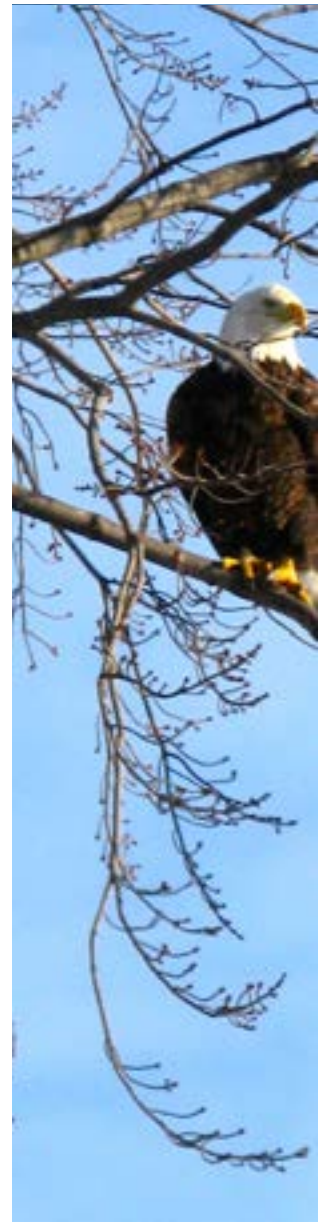
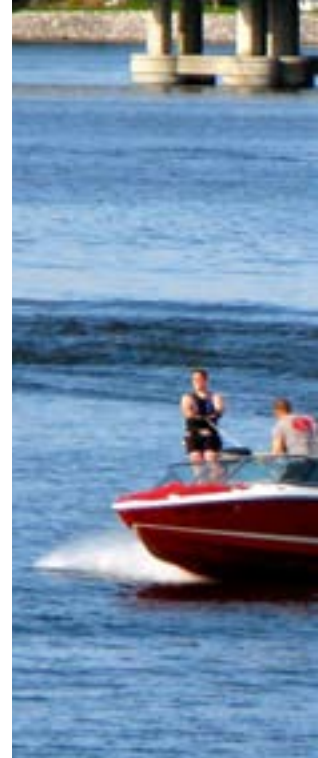
It is a Christ-Centered ministry to families, individuals and groups emphasizing Bible teaching and worldwide missions, presented in a recreational setting.

## A Wildlife Habitat

Mona Lake is home to a family of American Bald Eagles. Their nest is at the west end of the lake, and they can often be seen flying along the lake to fish at the west end or in Lake Michigan. Other waterfowl include; great blue herons, ducks, geese, owls, swans, an occasional loon or osprey, as well as the usual plethora of seagulls.

The area immediately around the lake is home to muskrat, raccoon, mink, whitetail deer, fox and perhaps even bobcat. Mona Lake is home to perch, walleye, bass, pike, musky and panfish. DNR recently stocked over 32,000 musky and 35,000 walleye. Summer bass fishing tournaments are a common event. Mona Lake also provides a quick passage to Lake Michigan for salmon fishing.

Facebook:  
Mona Lake Improvement Association  
Website:  
[www.monalakeimprovementassociation.org](http://www.monalakeimprovementassociation.org)







## Water Quality

Mona Lake has comparable or better water quality than its coastal neighbors. Mona Lake is rated as equal to all three neighbors and better than two others. (US Geologic Survey, Scientific Investigations Report 2011-5233)

Water Quality levels are showing steady improvement in routine monitoring by volunteers of the Mona Lake Improvement Association using Michigan Clean Water Corps Guidelines.

Muskegon County banned Phosphorus in fertilizers ten years ago. The USDA has worked with farmers to obtain conservation easements and to install over 500 acres of filter strips between agricultural fields and streams. In addition, many lake homeowners are aerating with bubblers.

Immediately to the east of Mona Lake, 175 acres of fallow celery fields regularly release nutrients, solids and rough fish into the lake. Flow Control Structures have been installed under a joint effort of the Mona Lake Watershed Council, Muskegon County Drain Commissioner and the City of Norton Shores. This can be expected to provide future improvements to lake water quality.

## Mona Lake is Ideal for Watersports

Mona Lake is ideal for waterskiing, tubing and wake boarding. It is large enough to provide ample area but small enough to prevent large waves or “chop.” The Westgate-Sytsema family water-skiers have succeeded in pulling 18 skiers with one boat on Mona Lake. The only designated no-wake area is in the Lake Michigan channel.

There is a public swimming beach at Ross Park as well as a beach at the Mona Lake Boating Club. On Monday evenings, the local Boy Scout Troop can often be seen practicing canoeing, water rescue and lifesaving skills at the Ross Park beach. Many kayakers and paddle-boarders enjoy the lake as well as several long-distance swimmers.

In the early years, before refrigeration, the lake was a wintertime source for the ice harvest. Now, iceboats exceed speeds of 50 mph on the lake. Motorcycles race on the ice, fisherman fish through the ice, and the Fire Department practices rescue techniques. ●●●



# 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.*

Email: [swagner@mlswa.org](mailto:swagner@mlswa.org)

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300 N. State St., Suite A,  
Stanton, MI 48888

**Question:** Has any lake association asked to be taxed as a special assessment district to pay for preservation of the lake frontage or island property? Is this a legal option for an association looking to prevent over-development of their lake?

Thanks for any help on this topic you can provide. - Woody

**Answer:** There seems to be some confusion among lay people regarding conventional real property taxes and special assessments. Every piece of real property in Michigan is subject to real property taxes unless there is a specific exemption in Michigan statute for a particular property. Special assessments are not as common and there may not even exist a special assessment district in a particular township. In general, governmental units are exempt from real property taxes. As for nonprofit organizations such as lake associations, charities, social organizations, etc., some are exempt from real property taxes and others are not. In order to be exempt from real property taxes in Michigan, an organization must generally be both nonprofit and charitable in nature. The organization must be chiefly organized to provide charity, mainly to the public at large, and often must provide services that lessen the burden of government. Wexford Medical Group v. Cadillac, 474 Mich 192 (2006). Private clubs often fail the charitable test because they are limited to members of the club, even though there may be an ancillary benefit to the public. Accordingly, churches, conventional charities, the YMCA and YWCA and similar organizations are normally exempt from real property taxes. However, organizations such as lake associations, social clubs and similar organizations are normally not exempt from real property taxes in Michigan because, although they might be "not for profit", they tend to benefit their members and are not primarily charitable in nature. With the exception of potentially other governmental units, all land owners are normally subject to a special assessment if the property is within a specific special assessment district. In most cases, the payment of real property taxes is potentially deductible from the land owner's federal income taxes, whereas special assessments typically are not deductible. Please keep in mind that these are general rules only and may not apply with regard to a particular piece of real property or in a given situation.

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

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## The All-Important Purchase/Sales Agreement

By: Clifford H. Bloom, Esq.  
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Most riparians are eventually involved in a purchase or sale of their waterfront property. With the exception of perhaps the deed (or land contract) and the title insurance policy, the purchase/sales agreement ("purchase agreement") is probably the most important document in a waterfront sales transaction. A purchase agreement is a binding contract. It is not merely a guide, letter of intent, or other nonbinding document. Unless both the prospective buyer and seller agree to a formal signed written amendment or change to an already-signed purchase agreement, both parties are "stuck" with the originally-executed purchase agreement.

All of the significant terms of the property purchase/sale should be expressly dealt with in the purchase agreement. Some of those important items include, but are not limited to, a preface or introductory clause that often states the names and addresses of the parties and the purpose of the agreement or contract, a "time is of the essence" clause, environmental issues, a risk of loss clause, an "as-is" clause for the seller (no warranties except as to title) or an express warranty, the purchase price, legal description for the property, fixtures and personal items included in the sale (full or partial "with contents" clause), financing, earnest money deposit, who pays any broker or expert fees, proration of property taxes at closing, proration for other fees (water bills, association dues, etc.), the type of deed or land contract to be given at closing, title warranties, representations, miscellaneous contingencies, real estate transfer taxes, arbitration clause, possession date, the closing date, seller's disclosure, land division rights (if any), survey, inspections, closing costs, title insurance (and title commitment), and remedies upon a breach. Unlike most purchase agreements, however, a purchase agreement for riparian property may also include a representation and warranty on behalf of the seller, or a contingency allowing the buyer to confirm, that the property includes not less than a specified number of feet of frontage on a particular body of water.

In Michigan, to be valid, an agreement regarding the purchase or sale of real property must be in a written document, signed by both parties. This is covered by what is commonly called the "Statute of Frauds." See MCL 566.106, 566.108, and 566.132. Every contract in Michigan must include an offer and an acceptance. *Mathieu v Wubbe*, 330 Mich 408 (1951). In a real estate purchase agreement, typically, the buyer makes the "offer" and the seller effectuates an "acceptance." Once the purchase agreement has been signed by the parties, it is not really that important who made the "offer" and who made the "acceptance."



At a bare minimum, a binding purchase agreement for real estate in Michigan must be in writing and must include all of the following essential terms:

- A description of the property (address, permanent parcel number/tax identification number, and/or the actual legal description).
- The terms (including the purchase price, which is sometimes called the "consideration").
- The time of performance.
- It must be signed by both parties.

While no one wants to make the purchase of a waterfront property any more adversarial than the transaction needs to be, a prospective purchaser should assume that no representation, warranty, promise, agreement, or guarantee by the seller (or the seller's realtor, broker, or attorney) is binding unless it has been put in a writing signed by the seller. The notion that the buyer and seller can have oral side agreements will frequently involve promises or representations that prove forgotten or unenforceable.

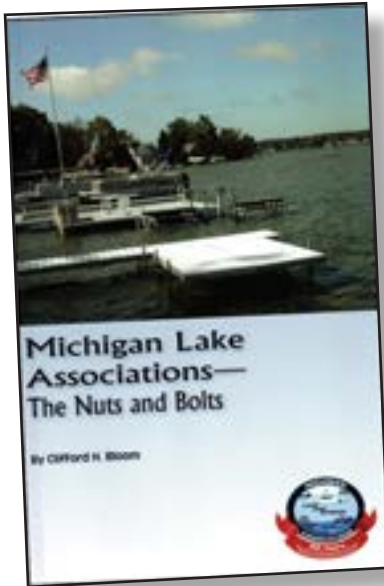
If a purchase agreement is litigated in court and there is an ambiguity, Michigan law indicates that any ambiguity is to be construed against the party who drafted the document, which is usually the seller (although sometimes it is the buyer). If there is a standard printed purchase agreement provided by the seller, generally any ambiguity will be construed against the seller. *Cousins v Melvin F Lanphar & Co*, 312 Mich 715 (1945); *Keller v Paulos Land Co*, 381 Mich 355 (1968).

In Michigan, there is no legal requirement that a specific form or type of a purchase agreement be utilized (although certain wording or topics must be included in the written document). Typically, real estate brokers have come up with standard purchase agreement forms for different regions of Michigan, which are generally widely accepted. There are other forms

(Continued on page 12)



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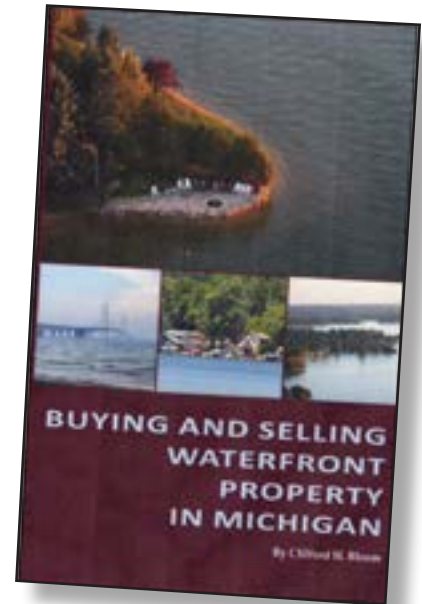


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# Help Wanted:

## Spot (and report)

## European water-clover!

Alisha Davidson, PhD  
ML&SA Research and Development Coordinator

The Michigan Department of Environmental Quality (DEQ) Water Resources Division and Department of Natural Resources (DNR) Wildlife Division are working together to better understand the distribution, impacts and management options for European water-clover. In particular, they are trying to pinpoint the locations of European water-clover around Michigan. European water-clover (*Marsilea quadrifolia*) is an invasive aquatic plant that still has limited distribution in Michigan. As of 2015, European water-clover has only been confirmed in the Huron River and Clinton River watersheds – though it may be elsewhere and still unreported. The DEQ and DNR recognize that local groups and individuals who have ‘eyes and ears on the ground’ may have valuable information to contribute regarding distribution of this species. Knowing its distribution will assist state agencies in management efforts to hopefully stop further spread. As those of us familiar with inland lakes know – once a species is established and widespread, eradication is nearly impossible. Preventing the introduction and spread of species is the best option.

Commonly used in water gardens and aquariums, initial introduction into our lakes and streams is likely due to intentional introduction. Like many invasive aquatic plants, European water-clover has the ability to form dense, single-species stands by outcompeting native aquatic species. Its ability to adjust the angle of floating leaflets to optimize sunlight gives it even more of a competitive edge over native species. In addition, it has rhizomes that can withstand winter conditions to produce the stems and leaves in the spring.

European water-clover is a rooted aquatic plant with floating leaves and is easily identified (see Figures 1 and 2). It typically grows in slow moving waters, like bays and side channels with silty or sandy substrate in inland lakes and along shorelines or shallow water less than two feet deep. It can also be found in ditches. Because it has rhizomes, this plant can reproduce vegetatively from just a small segment of the root. Based on summer 2015 monitoring efforts, it has been found in the Huron River in Washtenaw County from North Maple Road above the Barton Dam, downstream to the Argo Dam in Ann Arbor. It has been found in the Clinton River in Oakland County, Waterford Township from US-24 (Dixie Hwy) downstream to Cass Lake. Outside of Michigan, it is common in the northeast US and is also reported in Ohio, Illinois, Iowa and Missouri.

If you have information on previous or current observations of European water-clover, please share detailed location information with Bill Keiper, [keiperw@michigan.gov](mailto:keiperw@michigan.gov), call 517-284-5553 or report to the Midwest Invasive Species Information Network at [www.misin.msu.edu](http://www.misin.msu.edu). Pictures are also welcome. This information will be used to inform current and future monitoring efforts and develop a response plan, as appropriate. Please share this request for information with relevant groups or individuals in the Huron River and Clinton River watersheds. ■ ■ ■



Figure 1. European water-clover floating on water surface.  
Photo by Krzysztof Ziarnek, Kenraiz via Wikimedia Commons



Figure 2. European water-clover can also emerge from water surface.  
Photo by Vinayaraj via Wikimedia Commons



# The All-Important Purchase/Sales Agreement (Continued from page 9)

available. On occasion, the parties themselves (or their attorneys) will draft a unique contract for the particular real estate transaction involved. Whenever standard forms are used, they will likely require some modification—even “good” forms must usually be altered. Regardless of whether a standard or customized form is used, both parties should fully and carefully read all portions of the agreement and understand all terms before signing. Better yet, whether you are a buyer or a seller, have your real estate attorney review the document before you sign it. Do not assume that the document can be modified later. Typically, the document cannot be amended unless the other side also agrees in writing, which frequently, the other side will refuse to do.

Of course, the most important term in any purchase agreement is likely to be the price of the property. Realtors and real estate agents typically have extensive experience in determining realistic property sales prices. They also have access to a significant number of databases that will help the seller determine a reasonable listing price, as well as advising buyers what a particular property is really worth. Under Michigan law, the assessed value of a property for property tax purposes should equal approximately 50 percent of the true cash value (or fair market value) of the property. Thus, theoretically, doubling the assessed value or state equalized value of a property (not the “taxable value”) should provide a fairly good indication of what the property is worth. Finally, either a buyer or seller can hire an independent third-party appraiser to give a formal professional opinion regarding what the property is worth.

Quite often, a “mating ritual” occurs between a seller and a potential buyer regarding the proposed purchase agreement. One party (or the other) will submit a purchase agreement to the other side (with specific terms and conditions), which will be rejected by the receiving party. That party will then submit a new, revised purchase agreement or a written counter-offer. That counter-offer is sometimes rejected and the first party will submit a counter-counter-proposal. In some situations, such “back and forth” can be a waste of time. In many cases, it is best for

the parties to simply agree orally on the significant terms (such as the purchase price and financing), with one of the parties then preparing a purchase agreement consistent with the oral agreement.<sup>1</sup> Of course, until the final purchase agreement is signed by all parties, any oral agreement will not be binding. Nevertheless, reaching agreement orally on significant terms (and having a purchase agreement drawn up accordingly thereafter) can sometimes cut down on the wasted “back and forth,” and potentially, the expenses of having attorneys, realtors, or others revise, draw up, or redraw purchase agreements. In almost all real estate transactions, contingencies should be added to the standard purchase agreement form. What is a contingency? A contingency is a matter written into a contract that, if a certain matter doesn’t occur, allows a particular party to the contract to cancel the contract. Having a contingency in the purchase agreement allows the benefited party to “lock in” the other party but still permits the benefited party an “out” if an important matter covered by the contingency is not met. Some common contingencies for a purchase agreement for waterfront property include, but are not limited to, the following:

- **Certain financing being available to the buyer at or before closing (for example, the ability to obtain a 30 year mortgage with 20% down and an interest rate of 5% or lower).**
- **The results of a property inspection being acceptable to the buyer.**
- **Positive test results for an on-site private septic system and water well.**
- **The occurrence of certain zoning and other municipal approvals.**
- **The buyer’s (or her attorney’s) approval of the title insurance commitment results and the seller’s title.**
- **The buyer’s (or her attorney’s) approval of survey results.**
- **The ability of the buyer to obtain a certain type of permit from the local government or from county or state officials, departments, or agencies before closing.**
- **A third party appraisal valuing the property at a certain level or higher for financing or other purposes.**
- **Confirmation that the property is riparian and how much lake frontage is involved.**
- **The buyer’s approval of environmental tests, inspections or reports (typically limited to non-residential properties).**

Most contingencies benefit one party or the other, but rarely benefit both the buyer and the seller.

In Michigan, if a property sale involves an existing dwelling, the seller must fill out a seller’s disclosure statement pursuant to the Michigan Seller Disclosure Act, MCL 565.951, *et seq.*, and provide it to the prospective purchaser.<sup>2</sup> The disclosure statement should be delivered to the prospective buyer at or prior to the time that the purchase agreement is signed. The disclosure statement can be delivered to the buyer at a later date, but it is important to note that the Seller Disclosure Act provides that the buyer may terminate the purchase agreement within 72 hours after the disclosure form is personally delivered by the seller to the buyer (or within 120 hours if the disclosure statement is delivered by registered mail) if delivered after the purchase contract is signed. Accordingly, a failure to deliver the disclosure statement when the contract is signed can provide a pitfall for a seller who believed that she had a binding agreement for the sale of the property.<sup>3</sup>

What happens if a contingency in a purchase agreement is not met? Contingencies can run in favor of the purchaser, seller, or both. If a contingency is not met and the party



benefited by the contingency properly notifies the other party in a timely fashion, the purchase agreement is typically canceled, with no further obligation by either party (except for the normal obligation of the seller to return the buyer's earnest money to him/her).<sup>4</sup> One word of caution regarding contingencies involves proper notification from the party benefited by the contingency to the other party. Even if a contingency is not met, the benefiting party cannot benefit from that contingency's failure and cancel the agreement unless the benefiting party provides appropriate written notice (usually, as specified in the agreement) to the other party by some date specified in the agreement or prior to closing. If the notice requirements for "exercising" a contingency are not followed, the party otherwise benefited by the contingency may be deemed to have waived the right to cancel under that contingency and may be stuck with going through with the real estate transaction.

It is important to remember that canceling a purchase agreement due to the failure of a contingency (which is lawful and consistent with the agreement) is different than breaching or breaking the agreement (which, of course, constitutes a breach of contract).

If both parties agree to a change, amendment, or modification of one or more terms of the purchase agreement, it can be effectuated by a document signed by both parties, which is often referred to as an "addendum" to the purchase agreement (although on occasion, it is called an "amendment").

What if one party to a purchase agreement breaches or violates a provision of the agreement? Assuming that the person in apparent violation of the agreement is not properly exercising a contingency, they will have breached the agreement and are subject to potential penalties. While there are certain remedies available pursuant to statute and common law in Michigan, in many cases, the remedies for a breach of a purchase agreement can actually be modified by a provision in the agreement itself. Normally, however, if one party breaches the purchase agreement, the other party is entitled to "specific performance" should litigation arise. Specific performance is simply a court order requiring the breaching party to fulfill the terms of the agreement (usually, that means proceeding to a closing regarding the real estate involved). In some cases, if a prospective purchaser breaches a purchase agreement and a closing cannot occur, the breaching purchasing party would likely forfeit their earnest money, but may also be subject to other additional penalties. On occasion, the "wronged party" can also recover damages from the breaching party.<sup>5</sup>

It should be kept in mind that a purchase agreement does not, in and of itself, transfer title to real estate. Rather, it is a contract by which the parties agree to proceed to an eventual closing whereby title is formally transferred to the purchaser via a deed (or land contract) at closing if certain conditions and requirements are met. Accordingly, purchase agreements normally are not recorded with the local county register of deeds. On rare occasions, the parties may execute a short document entitled "Memorandum of Agreement" (or the equivalent) that is recorded with the county register of deeds to indicate to the public that a purchase agreement has been entered into by the parties regarding a particular piece of property (i.e., a sale is pending) and that a closing might occur regarding the property. That will give formal notice to the public, so that creditors and other potential other buyers will have "record notice" of the pending potential sale.

By the way, contrary to popular myth, one cannot get out of a signed purchase agreement due to the "fine print" based on a claim that the person did not understand the terms of the agreement. The general binding nature on both parties of a signed purchase agreement for real estate in Michigan cannot be overstated (assuming that the document is properly drafted and contains no "loopholes").

<sup>1</sup> Some real estate professionals strongly disagree with this assessment and believe that the party who submits the first purchase agreement (with their own wording) has a tactical advantage.

<sup>2</sup> Likewise, if a dwelling has lead paint (or was built prior to 1978), a similar disclosure must be made.

<sup>3</sup> A prospective purchaser should coordinate the seller disclosure statement with the purchaser's professional inspector.

<sup>4</sup> Many contingencies have an express time limit associated with them. Not acting within the time period can result in a sanction against the party otherwise benefiting from the contingency (for example, waiver of a right for inspection or cancelation based on inspection results, having to go through with the closing regardless, etc.).

<sup>5</sup> Sometimes, such damages can also include having to pay the commission or fee of one or more realtors or real estate agents.



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# LAKE HAPPENINGS

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

In the last issue of The Michigan Riparian, (Publisher's Letter) we challenged year-round Michigan residents to embrace winter—and you did in a BIG way. We also encouraged you to share your Polar Plunge experiences with us (Lake Happenings). The response to our requests has been absolutely terrific! We heard from people all over the state—from those who were involved with several of the Polar Plunge events (see page 11 of the 2016 winter issue) to intrepid adventurers trekking through a winter wonderland on snowshoes. A special thank you goes to Lake Fenton and to Dennis Gilmore, the photographer, who brought us such great shots of their lake's Polar Plunge and to Ellen Whitehead for sharing with our readers her winter hobby of snowshoeing.

## Lake Fenton Polar Plunge Pictures

Taken by photographer  
Dennis Gilmore



**POLAR  
PLUNGE**



Ellen Whitehead and  
Janeen Wardie

"My friend and I love snowshoeing the North Country Trail near us in Kalkaska County. These photos were taken along the Manistee River. We both live on inland lakes here".



Ellen Whitehead





# TRYING SOMETHING DIFFERENT

## (Preventing the establishment of aquatic invasive species)

By: Jim Novitski

In 2015 the Perch Lake Owners Association (PLOA) developed a new method to prevent the establishment of aquatic invasive species. After a year of design, planning, and permitting we installed an underwater “containment area” around the public boat launch at Perch Lake, in Iron County, Michigan. I am writing this article on behalf of the Perch Lake Owners Association, in the hope that in sharing what we did might be of value to some other lake association or agency. I am not going to go into contractor names or cost breakdowns here, but would be more than happy to share them with any interested party. My contact information will be provided at the end of this article.

Let me start by describing where and what we are. Perch Lake is located in northwest Iron County, Michigan. It is what some people consider a “primitive lake” with no public power, sewer, etc. It is approximately 1,000 acres in size and has about 40 private riparian owners, along with some Ottawa National Forest shoreline. It is, depending on road conditions, at least 40 minutes from any local city or town. We formed our association about 8-10 years ago in order to deal with some different local proposals and projects that piqued the interests of a number of concerned seasonal residents. We evolved into taking a fairly active approach to protecting Perch Lake.

To the best of our knowledge, the only invasive we have in Perch Lake is a rusty crayfish population, which we, along with other agencies have been monitoring. In recent years there has been an enhanced expansion of aquatic invasive species, particularly Eurasian water milfoil, in nearby lakes. Perch Lake is especially susceptible to many invasive plants due to its rather shallow depth and propensity to support an already healthy aquatic plant biomass. The conventional wisdom in our area is

to place monitors or boat-wash stations at public landings in order to intercept noncompliant boaters or recreationalists. Installing a permanent boat-wash station at Perch Lake is cost-prohibitive due to the lack of infrastructure. The Iron Conservation District provides an educator and trailered pressure washer once or twice a year. In 2013 and 2014, PLOA hired local people (25 miles away) to regularly staff a monitoring station. This was all somewhat unreliable and very difficult and expensive to implement. A better solution was needed.

Over the years we have tossed around ideas that might help us protect Perch Lake from aquatic invasive species with our rather small budget. We had determined, through knowledgeable people in our association and numerous other sources, that prevention would be far less expensive than treatment and that the greatest risk for introduction of AIS was at the public boat launch. During the winter of 2013, another member (Chris Quinn) and I discussed an approach utilizing the somewhat natural “harbor” we had at the public boat landing.

*(Continued on page 16)*



# TRYING SOMETHING DIFFERENT (Continued from page 15)



The concept we developed was to enclose the area used in launching by using a floating boom with suspended netting that would contain any aquatic plants that loosens from a trailer or boat during the launching process. Chris contacted a number of vendors and proceeded to explain what we were looking for. We finally found a supplier that could meet our needs. The next step was convincing our membership to take the leap of faith that was required to finance our new idea. After very little dissention, we were told to pursue this idea, even if it required our association to pay its own way, which in the end it did.



The next step was to obtain the Federal, State, and local permits that were required to implement this project. It was a pleasant surprise that the permitting process was easier than what was expected. There was some homework, but it was fairly simple and straightforward. Our president of the association, Dave Foster, helped immensely with this process.

Once we finished the paperwork portion of the project, we went to work on the nuts and bolts of it all. The main part of the system is basically a floating boom with suspended netting usually deployed when





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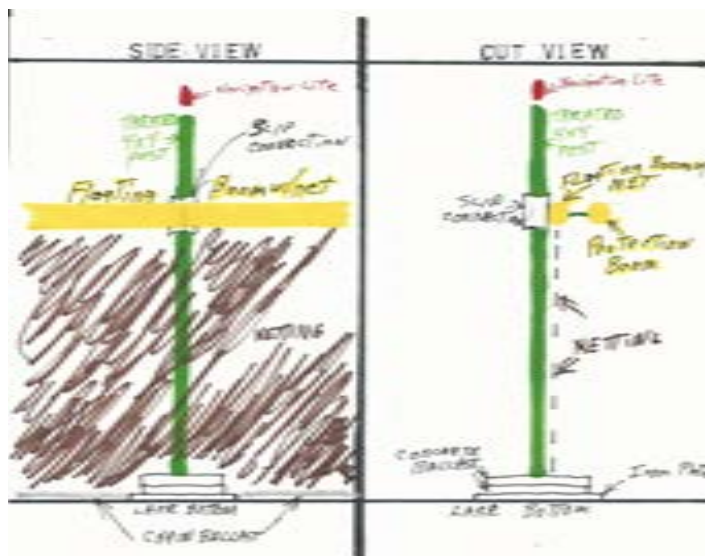
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an oil leak or spill occurs. This item is straight off the shelf from our supplier. The only thing we had to determine was how deep the area in the boat landing area is and how big an area we wanted to contain. The depth determines the width of the net that goes from the floating boom to the bottom of the lake. The entire area we were enclosing had a depth of under 5', so naturally the net width was 5'. The area we planned on containing allowed for a pontoon to launch and maneuver in order to exit the contained area. Our area is approximately 200' x 200'.

Volunteers installed the containment area on July 11, 2015. We started on one side of the boat ramp by positioning removable posts in a  $\frac{3}{4}$  semi-circle out in the lake. We then anchored one end of the boom-netting to the shore and ran the remainder of the boom-netting alongside of the ballasted removable posts. The next step was to connect the boom-netting to the posts with a slip connection in order to compensate for fluctuating water levels. We had no idea how tough the material was that made up the boom-netting, so to protect our investment we installed a second floating boom that provides protection for the boom-netting in the event a boat would back into the netting, potentially damaging it. This is deployed alongside the main boom-netting and connected to it. Once this was completed, we went to the other side of the boat ramp and repeated the procedure. The final task was to attach lights to aid in navigating in and out of the containment area. We also installed a new information sign at the boat launch, explaining the containment area and reminding visitors to clean their boats. It took us about one full day to install the system and one full day to remove all components from the lake at the end of season.

Prior to the initial installation, we developed a monitoring plan with the Ottawa National Forest staff. The entire time the containment area was deployed, we had volunteers conduct weekly inspections of the components, environmental impact, recording trapped material, etc. The components were remarkably resilient. If I knew then what I know now, we would have not bothered

(Continued on page 19)



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# The “Pulling of the Plug” at Crystal Lake – Historical Marker Dedication

By: Stacy Daniels, PhD

The “Tragedy” / “Comedy” is a well-known story of the lowering of Crystal Lake, in Benzie County, Michigan. Archibald Jones founded the Benzie County River Improvement Company in 1873 to improve waterfront lots on Crystal Lake, remove obstructions, construct slack-water canals between Crystal Lake and Betsey Bay, and build a steamboat to transport settlers and goods within Benzie County. The dramatic lowering of the lake and the creation of 21 miles of sandy beach insured its future as a prime recreational area.

The “Tragedy” was long perceived as a scenario where Mr. Jones and his company intentionally “pulled the plug” rather than carefully surveying the situation. The actual scenario is that the worst storm of 1873 “blew in” and “kicked up” the whitecap waves of Crystal Lake which then got the upper hand and accidentally “caused the plug to be pulled”. Crystal Lake was drained to a much greater extent than was originally planned, and the results were serendipitous!

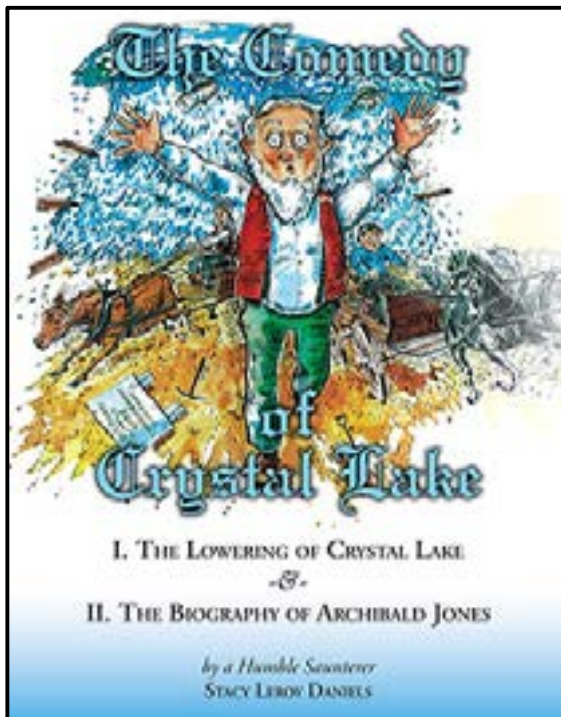
This epochal event had a permanent bearing on the subsequent development of Benzie County. The “Tragedy” occurred during 1873 and its “tragic” aspects were felt well into the early 1900s. The transition into the “Comedy”, with its “comedic” aspects, is of recent interpretation and still continues. The former is forever

indelibly inscribed in our collective memories; the latter embellishes upon its virtues.

On Saturday, August 22, 2015, a new Historical Site Marker was dedicated at the Crystal Lake Outlet to commemorate Archibald Jones and the Benzie County River Improvement Company. A two-sided bronze marker was unveiled in a symbolic “pulling of the plug” followed by a ceremonial “wedding of the waters” of Crystal Lake and Betsie Bay. <http://www.crystallakecomedy.com/PDF/HistoricalMarkerProgram.pdf>

The new marker describes the evolution from the “Tragedy”, a perceived “failure” of an “ill-conceived” project by an apparent scapegoat, to the “Comedy”, an unqualified “success” of a well-conceived project by a visionary “bootstrap” engineer to be celebrated as a local hero!

(\*) Dr. Daniels is a long-time “littorian” on Crystal Lake and supporter of ML&SA. The two-part story is told in “The Comedy of Crystal Lake, I and The Lowering of Crystal Lake, II- The Biography of Archibald Jones”, by Stacy Leroy Daniels, 9”x12” hardcover book (496 pp text, available from: Flushed With Pride Press, P.O. Box 281, Frankfort, MI, 49635. <http://www.crystallakecomedy.com/>



## The Comedy of Crystal Lake

Stacy Leroy Daniels

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<http://ComedyCrystalLake.com>

A sequel to the booklet, “The Tragedy of Crystal Lake” (1922)”, being a summary chronicle with many more sidelights, of a tale written in two parts, describing a seemingly ill-fated historical event, so epochal in its nature as to have had a permanent bearing upon the development and future of Benzie County, Northwest Lower Michigan, together with myriad viewpoints of its diverse characters and sundry locales, &c, &c.

The real-life story of the attempt by Archibald Jones to build a slack-water canal from Crystal Lake to Lake Michigan in 1873 has elements of tragedy and comedy - a serious beginning and a happy ending - with foibles of human nature and consequences of bold venture: the dramatic lowering of a very large inland lake and the creation of a long sandy beach.



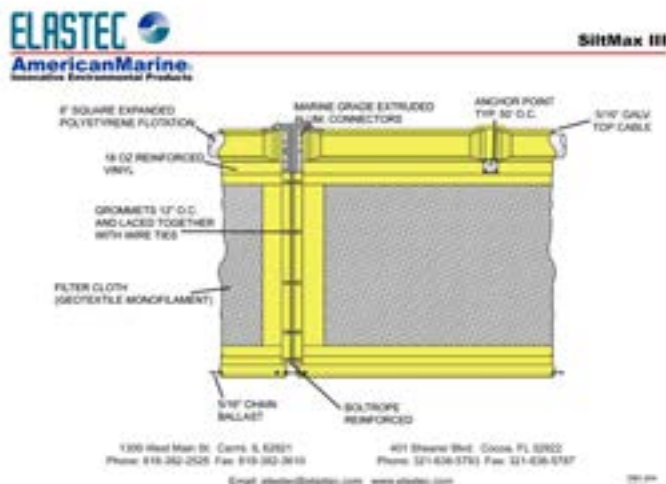
# TRYING SOMETHING DIFFERENT (Continued from page 17)

with the second protection boom. This stuff is really made well. The environmental impact was virtually nonexistent. While we were pulling the net out of the lake, a few small fish and minnows were brought in with it, but were released back into the lake unharmed. Another concern was the loons and duck population on the lake. Neither had an incident. Actually, the ducks liked lying in the area to get out of the wind. The containment system worked well for trapping all different kinds of aquatic plants. I can only speculate on where they came from, but we ended up cleaning the trapped plants out of the area at least four times between July and October. It will take a few years to really measure the success of the containment area; but, as of now, we are well pleased with its performance.

Once installed the containment system is “on duty” 24 hours a day, for as many days as we see fit. If we were to man just a monitoring station for inspecting watercraft for 10 – 12 hours a day for one season, the cost of installing the containment system is less. The fact that the system’s components are warranted for five years means we get four years at no cost to us. This cost savings is even greater if we were to include the cost of a boat-wash station to the monitoring station. This containment system idea may not be the best means of protecting all lakes, but it does have a place. This would probably not work very well at a very busy, big lake landing or a landing that is immediately adjacent to a precipitous drop to deep water. It would fit at a landing that gets 25 – 40 boats a day or at a secondary landing on a big lake that doesn’t see boat after boat traffic. Also keep in mind that this system is intended to complement the existing Clean Boat Clean Water protocols. The signage and the system also raise the level of awareness of AIS when a boater encounters our system on a primitive lake.

I have some additional thoughts and ideas on how we could improve on the system, but have had a difficult time generating interest from suppliers. I don’t have much pull, being from “some little lake in the UP”. I would really like to express how proud and grateful I am to be able to work with the members of the Perch Lake Owners Association on implementing this program and for all the work that we have accomplished. I would also like to acknowledge and thank the United States Forest Service for the continued support and assistance in protecting Perch Lake. I am also grateful to all the associations and agencies in the area that were very helpful with our attempt at “TRYING SOMETHING DIFFERENT”. ●●●

For more information, you can contact Jim Novitski—jnovitski@gmail.com.



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# Lake Management Planning: Not Another Study!

By: Tony Groves, Pam Tynning, and Paul Hausler  
Water Resources Group, Progressive AE

In lake management, there is often a desire to forge ahead to tackle a problem rather than taking the time (and expense) to fully evaluate options. After all, who wants to spend time and money for a study when “all we have to do is treat the weeds?” This article discusses the need for fact-based decision-making in lake management.

***Each lake is different and what works on one lake may not be appropriate or effective in another lake.***

It is important to recognize that there is no panacea or “one-size-fits-all” in lake management. Each lake is different and what works on one lake may not be appropriate or effective in another lake. For example, in a high-quality lake with few aquatic plants and good water clarity, reducing nutrient inputs to the lake may be the most effective way to preserve water quality. However, in a lake that naturally supports abundant aquatic plants, reducing nutrient inputs may not have much of an impact. That is not to say nutrient reduction is not important, but one must know how a lake may respond to management measures before

embarking on a management plan. This allows for a more efficient use of time and often limited financial resources.

Ideally, a lake management plan should address both short-term improvements (e.g., aquatic plant control) and, to the extent practical, long-term pollution abatement issues (i.e., watershed management). However, in the context of this article, a lake management plan can encompass anything from a plan to control an invasive aquatic plant to watershed management.

While Michigan has a variety of laws that regulate activities in and around lakes, there is no governmental agency responsible for developing lake-specific management plans. In fact, it is often riparian property owners who take the initiative to get organized and make something happen. If there is no local initiative, it probably won't get done! Regardless of the scope of a lake management plan, the steps outlined below will probably apply.

***While Michigan has a variety of laws that regulate activities in and around lakes, there is no governmental agency responsible for developing lake-specific management plans.***

**Get Organized:** The first order of business is for people to get together and decide they want to do something. Many lake management plans begin with a lake association or a group of property owners who share common concerns, and a desire to make something happen.

**Get Help:** Seek out and get input from someone with expertise in lake issues. This could be a university professor, a county or state agency or a lake management consultant. The role of the consultant is to provide professional and unbiased advice regarding lakes and lake management. The consultant will often begin with a study to evaluate the characteristics of the lake and watershed, and the feasibility and costs of management alternatives. The study is important because it becomes the basis for decision-making and development of a lake management plan. A lake consultant

***The study is important because it becomes the basis for decision-making and development of a lake management plan.***

should have a fundamental understanding of limnology (the study of the physical, chemical and biological characteristics of lakes), land use issues, environmental regulations, lake and watershed management techniques, contracting, public relations and, last but not least, municipal financing. On some projects, engineering and legal expertise may be needed as well.

A consultant is different from a contractor you may hire to perform a specific service on a lake, such as herbicide treatments, mechanical harvesting, lake dredging, etc. A consultant will look at a number





of alternatives, evaluate the pros and cons of each, and make a recommendation accordingly. To be truly objective, the consultant should be independent from the contractor and contract work. Beyond providing professional services, the consultant should have no financial interest in the project.

A lake management consultant can help with the following:

- **Fact Finding:** In devising a lake management plan, it is important to get the facts. An evaluation of the physical, chemical, and biological characteristics of the lake should be performed and an analysis of the watershed should be conducted to evaluate land uses, soils, and drainage features.
- **Data Analysis:** The consultant can identify valid and effective sampling and monitoring protocols, perform appropriate analyses, and interpret technical data.
- **Problem Identification:** it is important to identify specific problems that the lake management plan needs to address: Are invasive aquatic plants a problem? Is fertilizer runoff a problem? Are there too many boats on the lake? A management plan may address a variety of issues. A consultant can help identify management alternatives that will work and those that will not and perhaps temper unrealistic expectations.
- **Solutions and Costs:** Once problems have been identified, management strategies can be defined, and the benefits can then be weighed against the costs. The consult can define regulatory hurdles and financing alternatives, and help guide the decision-making process.

**Build Consensus:** Effective communication is often the key to success in lake management. These days, people appear to be busier than ever. Make sure you make the most of people's limited time. Attempt to communicate in a clear, concise and factual manner. By disseminating information regarding the proposed scope and cost of a management plan, people are in a much better position to make an informed decision on moving forward with a particular management plan.

**Get Financing:** Obtaining financing is often one of the biggest challenges in implementing a lake management plan. Evaluating funding sources and fundraising can be a time-consuming (and sometimes thankless) endeavor. In some cases, sufficient funds can be acquired by increasing association dues or through voluntary contributions. While there are some grant programs, competition is generally keen and grant requirements can be narrowly focused and cumbersome. (You can't expect them to just give you the money.) Many grants have an extended time period between the grant application and actual award of funds which, in turn, complicates planning. Many communities have opted to establish special

assessment districts to finance lake management plans. With this approach, all property owners who benefit from the project pay a fair share. With costs spread amongst benefitting property owners, individual costs can become much more reasonable. A special assessment district can enable projects to be tackled that would otherwise be financially out-of-reach.

**Get Going:** Implement the plan and take comfort in knowing you have taken action to protect one of your most valued assets – your lake.

Similar to land use planning, lake management planning is often an interactive process. Over time, adjustments may need to be made to address emerging issues, new technologies, and changing conditions. There is often an inclination to say “the last thing we need is another study!” However, as discussed herein, the study is important because it provides the foundation and basis for action. ●●●

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Dear Michigan Waterfront Alliance Members and Friends,

As we go into 2016 with the hope of a warm summer, I think now is a good time to review where the Michigan Waterfront Alliance has come from and where it is going. The MWA was founded in the 1990's to provide a voice on behalf of Michigan riparian's to the State of Michigan's legislative and judicial processes. We share many of the same goals of the Michigan Lakes and Streams Association (hosts of the 2016 Michigan Inland Lakes Convention, April 28-30, 2016 at Boyne Mountain Resort in Boyne Falls) and because we are not a 501C3 tax deductible corporation (as is ML&SA) we can and do engage in lobbying.

We have had great successes both legislatively and judicially since our founding. Had not the MWA become involved at the Appellate and Supreme Court level to overturn an Appellate Court's decision regarding riparian rights of property owners who have a public road running between their shore and their dwelling, I am sure that thousands of waterfront owners would not have riparian rights today. The MWA, through hearing testimony, member to legislator communication, and effective lobbying

defeated legislation meant to legalize public road end marinas. Through the same process the MWA co-sponsored and helped pass legislation that prohibits public road end marinas.

As we go forward, we face the momentous challenge of combating the deterioration of Michigan's lakes and streams because of invasive species. Whether it be Eurasian Milfoil so thick that ducks can walk on top of it, or a host of new invasives that threaten Michigan's inland waters in an even a worse way, we certainly have our work cut out for us

Except for paying our lobbyist, lawyers, newsletter, printer and postage, the MWA is a totally volunteer organization. All the board members travel to board meetings, hearing testimony appearances and court appearances at their own expense. There is no paid secretary, no paid treasurer, no paid newsletter writer, no paid newsletter sender or dues notice sender. The MWA is funded only by individual contributions

and memberships, lake and stream association contributions and memberships and corporate memberships.

Our dues are \$50 a year for individuals and \$100 a year for lake and stream associations. There is no question that we are underfunded and that our membership is not what it should be.

Thank you to the individuals and associations that continue support the MWA through memberships and contributions. If you or your association are not members, I invite you join and support our efforts to protect Michigan's inland lakes and streams.

Sincerely,  
Bob Frye  
MWA President

## MICHIGAN WATERFRONT ALLIANCE

P.O. Box 369

Fenton, Michigan 48430-0369

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





## The Legend of "Jingle Bells"

— as passed down by Lester O. "Pete" Purdy

— by his Grandson Pat Duvendeck

Printed by permission from the Loon Lake Website

(Publisher's Note: Loon Lake is located in Iosco County, Michigan)

My Grandfather "Pete" Purdy was probably the most ardent pike fisherman that I knew and was well known for this to most on Loon Lake. Pete was always able to catch pike and good-sized ones at that. He had fished the entire lake and had his spots marked with the corner of a cabin and a birch tree or trees and flagpoles and on and on. Some of his favorite spots were the girls' camp, the boys' camp (one of my favorites), the cove, the center-grounds, 6 lb. point, browns landing and many more. He had a tradition; and when each of his 17 grandchildren turned four years old, he would take us out to catch our first pike. He would get one on and hook it and then hand the pole to the four year old. He always used the old level wind reel; and, invariably, the pike would jerk the handle out of the young ones' fingers and bang on their knuckles. They would reel and tug until their stomach muscles hurt and arms were tired and finally got it close enough so that he could net it for them, and then they had landed their first "monster" fish. Once you had caught your first pike, fishing for mere pan fish was never the same.

Well Pete would always tell stories about the big ones he had caught and that others had caught and all their full stringers of fish. Most of these stories were able to be backed up with pictures or witnesses. There was also much discussion of the big ones that were almost caught, those he had on that were so big that he was never able to get it to come up off the bottom of the lake until eventually it broke his line. Pete always used 20 lb. test nylon line with a steel leader and a 4/O hook so a fish that would break that line, well...you do the math or use your imagination.

Of course there were stories of those that they got up to the boat but were unable to land, and as I'm sure you understand they were "very, very big"! My younger brother at age 10 caught a ten pounder that was 36 inches long. His record for our immediate family stood for many years until my largest actual catch (posted in the website gallery) went 11 pounds and 37 inches. The largest one that I "almost" got had to be very close to 46", and it was so exciting to see it almost in the net that the three kids (one 14 and two younger) that were with me at the time were still shaking with excitement four hours later. I still remember the feeling as it dove for the bottom of the lake off the edge of the net and broke my 20 lb. test line, and the pole went limp.

Then there were stories of the scuba divers that were hired to survey the lake for logs that had been sunk when the lumbermen used to float logs across the lake. These divers said "they saw fish that were so big they were afraid to take their eyes off them."

But all these stories never come close to the pike that has become the legend of Loon Lake~ and that was "Jingle Bells". "Jingle Bells"



Record family catch- 37" and 11 lbs.!

got the name because of all the fishing lures and hooks that were still hooked in the side of his mouth from all the lines he had broken. These hooks and lures would all jingle together as he swam through the water, warning all the other fish that he was on the move. No one is really sure exactly how big "Jingle Bells" really is but pike have been known to grow to over 90 lbs. Michigan's record is around 40 lbs. Those who might have had him on but weren't able to get him off the bottom or those that saw "some of him" near the boat just before he dove and took their line know that they will continue to go out and try again and again. ●●●



Two of Pete's great grandsons with a big stringer



## Introduction:

Lake associations are an integral component of lake communities in that they possess several functions that assist with lake betterment. First, they unite members (riparians) around a lake and allow everyone to share common interests, ideas, and goals. Second, they allow for the development of prioritized goals that are critical for lake improvements. Third, they build a significant amount of social capital within a community that can serve as a substantial resource for lake improvements. Finally, lake associations can enhance their ability

# LAKE ASSOCIATIONS AND TOWNSHIPS: Enhancing the Communication

By: Jennifer L. Jermalowicz-Jones  
Restorative Lake Sciences



to co-govern a water resource by combining their expertise with local municipalities such as townships and villages or other local units of government. The combined passions, goals, experience, and resources of a lake association working directly with one or more municipalities greatly increases the probability of project success through a pooling of common resources and combination of viewpoints from a differing lens. The opportunities for local empowerment and governance in Michigan are high since there are 1,240 townships throughout the state. There is much concern about the ability of municipalities and riparian residents to effectively co-manage aquatic ecosystems due to limited knowledge of these complex ecosystems. Thus, management of these systems in the context of sustainability is nearly impossible if best management options of the natural, social, and economical components of the system are not well understood.

## Lake Association Drive: The Uniting of Members and Prioritized Goals

An individual is only as powerful as the solitary thoughts and ideas they generate and a team of people is as powerful as the sum of ideas. Of course, there will always be conflicts and power struggles, but these attributes can be resolved when lake associations introduce by-laws and other rules of order that require individuals to be respectful of the views of others and share



their insights in a constructive and methodical manner. Successful lake associations have prepared agendas sent to all members prior to a lake meeting that specifically mentions all of the proposed topics of discussion. Submission of an agenda in advance of any meeting is preferred to allow each individual member a chance to gather input for use in a collaborative discussion with the group. Many prepared meeting agendas will include the basic functional items such as treasury reports, previous meeting minutes, roll call, memberships or other pertinent information. Very successful lake associations also include objectives for future lake improvements and these may be executed as prioritized goal statements. Items that may be useful in prioritized goal statements include:


1. A mission statement that describes the key objective of the association. This often includes preserving, protecting, improving, or restoring a lake or other water body.
2. A vision statement that describes the broader context of what the association will do over a length of time. All visions are beneficial but successful ones should include statements that aim to accomplish the desired collaborative objectives. An example of this would include a vision to communicate operating procedures and policies and continued education of actions that may affect a specific lake or water body.
3. Important issues of focus such as lake water quality, lake levels, excessive sedimentation or weed growth, health of the local wildlife and lake fishery, boating, swimming and navigation activities, new invasive species, and residential best management practices (BMP's).

4. A list of specific goals for the lake as compiled by the members of the lake association. These goals should be unique to individual areas of a particular lake to allow for custom results. Examples include reduction of invasive aquatic vegetation of around 50-90% over a period of time, mechanical removal of a certain amount of aquatic vegetation biomass, implantation of biological control beetles in various areas to control the emergent, exotic Purple Loosestrife, and construction of navigational lanes through floating-leaved aquatic vegetation that may be dense. The goals may also include financial statements that recommend establishment of a reserve fund for unforeseen ecological conditions such as re-germination of aquatic vegetation seed banks or introductions of new invasive species.

## Development of Social Capital: A Key for Sustainability

Social capital was first introduced to the literature by L. J. Hanifen in 1916 as he learned that community involvement was critical for successful education in rural schools. Social capital can be more broadly defined as the interactions among individuals and groups within a community (Flora, 2004). Putnam (2000) defined social capital as a connection that allows community members to work together for mutual benefits. It is critical to realize that not all social capital results in positive outcomes and so special attention should be directed to the situation and context involved (Miller and Buys, 2008; Hogg et al., 2012). It includes attributes


(Continued on page 31)



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# Mobile and Stationary Boat Washes

By: Alisha Davidson, PhD  
ML&SA Research and Development Coordinator



The “Clean, Drain and Dry” approach to preventing the spread of aquatic invasive species has several components, including cleaning your boat with hot and/or high pressure water. Car washes work for some boats, but boat owners may not know where the nearest wash is and the wash must have the option to self-operate a high-pressure hose. To ensure that boats are clean before they travel into or out of a lake, some organizations are installing boat wash stations at their launches. These boat wash stations can be portable or permanent and use high pressure or hot water spray to remove aquatic invasive species from the exterior of boats, trailers and equipment.

Portable stations are generally mounted on a trailer and can be moved between launches, which allows stations to move between launches based on high boater numbers (e.g., fishing tournaments) or other considerations. Portable stations are also generally less expensive and are great educational tools to raise awareness of aquatic invasive species.

Permanent stations are constructed at a specific site and use municipal water. These are generally more common on lakes with only one boat launch (or only one popular boat launch) and funded by a lake group. While there are some general features

of boat wash stations, each situation is unique. Boat wash stations also have their challenges, even once installed – boaters can avoid the wash unless local or state ordinances make washing mandatory and there can be low public acceptance of the extra time and/or cost required by boat washing. Before investing in a portable or permanent boat wash, Michigan Lake and Stream Associations recommends talking with other groups who have taken this step. The following individuals have offered to share their experience with interested lake groups: ●●●

Lake/Organization	Contact	Email	Phone
Higgins Lake Foundation	Vicki Springstead	info@higginslake-foundation.org	989-275-9183
Muskegon River Watershed Assembly	Julie Chamberlain	chambj16@ferris.edu	231-591-2324
Hagerman Lake	Ian Shackelford	ishackelford@fs.fed.us	906-932-1220 x331
NE Lower Peninsula	Melissa Buzzard	Melissa@huronpines.org	989-448-2293 x17
Invasive Species Control Coalition of Watersmeet	Jeff Pytlarz	info@iscw.org	Please email
Crystal Lake & Watershed Association	Joel Buzzell	jabuzzell@me.com	231-871-0571

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# MICHIGAN LAKE & STREAM ASSOCIATIONS, INC.

## ML&SA NEWSLETTER



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Phone 989-831-5100

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MICHIGAN NEEDS HEROES  
TO PROTECT AGAINST AQUATIC INVASIVE SPECIES



## Michigan Clean Boats, Clean Waters Program Created to Help You Prevent New Introductions of Exotic Aquatic Invasive Species

By Scott Brown  
ML&SA Executive Director



The summer of 2016 will provide yet another “opportunity” for potentially harmful exotic aquatic plant and animal species to take up residence in new Michigan lakes by “hitching a ride” on the trailers, boats, and motors of unknowing recreational boaters. Now, more than ever, the Michigan Clean Boats, Clean Waters program mantra of “Clean – Drain – Dry”, should resonate with lakefront property owners who are concerned about the high cost of managing exotic aquatic invasive species. The vast majority of new introductions of exotic aquatic invasive species take place at state, county, or township owned public boat access facilities. The best way to manage the potentially invasive aquatic plants and animals that continue to render hundreds of millions of dollars of damage to our inland lakes is to prevent their introduction in the first place.

The citizen volunteer-based Clean Boats, Clean Waters program is dedicated to protecting Michigan’s water resources by educating boaters about exotic aquatic invasive species that are often transported from one water body to another by recreational watercraft, and by teaching operators and owners how to inspect their boats, trailers, and associated gear for aquatic invasive species. Clean Boats, Clean Waters volunteer instructors are also trained to demonstrate the proper technique for removing and safely disposing of potentially harmful aquatic plant and animal species. Michigan joins several other Great Lakes region states, including Indiana, Minnesota, New York, and Wisconsin that currently administer proactive Clean Boats, Clean Waters programs.

Michigan Lake and Stream Associations and Michigan State University Extension encourages lake communities and/or other stakeholder groups to consider holding a Clean Boats, Clean Waters workshop in their area this spring or summer. It will serve to train, prepare, and equip local volunteers to teach recreational boaters using local public boat launches simple, yet highly effective techniques to help prevent the spread of exotic aquatic invasive species.

For more information regarding the Michigan Clean Boats, Clean Waters program, please visit our resource rich web site at [www.micbcw.org](http://www.micbcw.org). To discuss the possibility of holding a Clean Boats, Clean Waters volunteer train-the-trainer workshop in your community, contact Beth Clawson, MSU Extension Clean Boats, Clean Waters Program Educator at 269-330-5554, or via e-mail at [clawsonb@anr.msu.edu](mailto:clawsonb@anr.msu.edu).

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

# MICHIGAN LAKE & STREAM ASSOCIATIONS, INC.

## ML&SA NEWSLETTER



### 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!***

Flowering Rush  
*Butomus umbellatus*



[www.kingcounty.gov](http://www.kingcounty.gov)

Water Chestnut  
*Trapa natans*



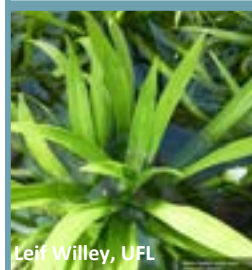
MDNR

Parrot Feather Water-  
milfoil  
*Myriophyllum aquaticum*



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

Water Soldier  
*Stratiotes aloides*



Leif Willey, UFL

Water Lettuce  
*Pistia stratiotes*



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

Water Hyacinth  
*Eichhornia crassipes*



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

European Frog-bit  
*Hydrocharis morsus-ranae*



[www.dnr.wi.gov](http://www.dnr.wi.gov)

Brazilian water-weed  
*Egeria densa*



[www.graysharbor.wsu](http://www.graysharbor.wsu)

**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)*



# MICHIGAN LAKE & STREAM ASSOCIATIONS, INC.

## ML&SA NEWSLETTER



### The Michigan Riparian Magazine

An Extraordinary Opportunity to be Well Informed  
and to Support our Family of Lake Focused Organizations



So much for so little! An annual subscription to *The Michigan Riparian* provides extraordinary value as well as an opportunity for you to directly support the mission and goals of the Michigan Lakes and Streams Foundation and Michigan Lake and Stream Associations. Your \$14.00 a year (or just

twenty seven cents per week!) subscription to *The Michigan Riparian* magazine not only helps cover the cost of publishing the magazine but it also contributes to helping ensure the future of our inland lake stewardship and conservation-focused family of organizations. Let's face it folks, most people spend more money on coffee in a single week than the annual cost of *The Michigan Riparian*! For a mere \$3.50 each quarter, you're availing yourself of a well written, beautifully formatted magazine whose vivid color pages portray a rich chronicle of the life and times of the people, events, politics, law, and science that defines and characterizes Michigan's storied lakefronts. Ask yourself these important questions: What

other publication of this quality in Michigan is dedicated to providing lakefront property owners with essential information regarding the constantly changing legal status of your riparian rights, or about the latest exotic aquatic invasive species that pose a threat to your lake? What other publication in Michigan consistently provides you with timely, detailed information regarding the latest rulings of our state's natural resources and environmental protection regulatory agencies, about pending and/or newly passed legislation that may have an impact on you and your lakefront community, about lake stewardship and conservation practices, or about upcoming lake stewardship focused workshops, seminars and conferences? The fact is, there is only one publication in the entire state dedicated to covering the issues that are important to you as lakefront property owners – *The Michigan Riparian*!

If you are not yet a subscriber, please complete and mail-in the subscription form that appears in the magazine, or become an individual member of Michigan Lake and Stream Associations that includes an annual subscription. For more information about *The Michigan Riparian* magazine and/or to subscribe to the magazine, visit [www.mi-riparian.org](http://www.mi-riparian.org); to learn more about Michigan Lake and Stream Associations, and/or about becoming an individual, association, or corporate member, please visit [www.mymlsa.org](http://www.mymlsa.org).

### Science & Leadership:

### *A Formula for Successful Lake Protection and Management*

### 2016 Michigan Inland Lakes Convention

**April 28th – 30th, 2016**

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The Convention will educate, engage, and empower the individuals who work, live and play on Michigan inland lakes. The three day conference will include educational presentations, in-depth workshops, plenary addresses, receptions, door prizes, and plenty of networking opportunities focused exclusively on Michigan's 11,000 inland lakes with dozens of non-profit and business exhibitors showcasing their projects, resources and services.



For more information or to register for the convention, visit

**[www.michiganlakes.msue.msu.edu](http://www.michiganlakes.msue.msu.edu)**

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## “There are two major types of social capital that include bridging and bonding”

of trust, reciprocity, cooperation and membership, common visions and goals, acceptance of alternative views, leadership, and diverse representation and contributes to economic and social development. In fact, problem-solving capacities are generally higher in communities with high social capital (Cohen and Prusak, 2001), which is important for natural resource management efforts. This was evidenced in the case of the San Francisco Bay Plan which occurred post-Clean Water Act since social capital was the only form of capital initially available to drive conservation in the area.

There are two major types of social capital that include bridging and bonding. Bonding social capital refers to social interactions between homogenous groups and bridging social capital refers to social interacts between heterogeneous groups. Not all bonding social capital is constructive since divisions among community members and the formation of cliques may prevent unity among

an entire community (Flora, 2004). Bridging social capital can help overcome this but by itself is also not effective (Hernandez, 2003). In fact, if when bonding social capital is high and bridging social capital is low, the community is less likely to accept “outsiders” that may be critical to solving a given problem. Alternatively, when bridging social capital is high and bonding social capital is low, the internal community is weak with regard to external forces and ownership struggles may result. Woolcock (2000) introduced the term linking social capital as the relationship between community groups and power figures. This is where the lake associations may interact with political figures or other community members with positions of power.

## Collaboration with Local Units of Government: Pooling the Resources

Municipalities in Michigan have authority to regulate land use which also applies to inland waterways. This regulation applies to public health, safety, and welfare. Important aspects of concern are water pollution by degradation of water quality and maintenance of navigable waterways that will not subject recreational users to harm. While many township officials may understand their powers and the ability to protect lakes, they may not have proper

*(Continued on page 34)*



Michigan Clean Water Corps



MiCorps  
Monitoring Michigan's Water Quality

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



Cooperative Lakes Monitoring Program



- 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.

**To enroll in the Cooperative Monitoring Program for the 2016 season, contact Program Administrator, Jean Roth at 989-257-3715 or [jroth@mlswa.org](mailto:jroth@mlswa.org)**

**To enroll on-line visit [www.micorps.net](http://www.micorps.net)**



# Michigan Shoreland Stewards Program

By Jennifer Buchanan Gelb, Restoration Ecologist, Tip of the Mitt Watershed Council

Each year, as more and more lakefront properties are developed on our inland lakes, valuable shoreline habitat is lost and water quality declines. If Michigan continues at its current rate and extent of shoreline development, the overall health of our inland lakes is in jeopardy. Luckily for our inland lakes (and us!), lakefront property owners can change this trend through the practice and implementation of lake-friendly landscaping and erosion control methods. The Michigan Natural Shoreline Partnership (MNSP) has developed the Michigan Shoreland Stewards Program to provide recognition to shoreland property owners for using best management practices to protect their lake.

The Michigan Shoreland Stewards Program is just one of the outreach and education efforts of the MNSP. It began to take shape in early 2015, when MNSP asked Tip of the Mitt Watershed Council, a member of MNSP, to help develop the program. Based in Northern Michigan, the organization was deemed well equipped to take on this role because of its strong connections with local lake associations in its Northern Michigan service area. Through regular meetings and in-depth discussions about what it takes to protect Michigan's inland lakes, our collaboration has led to what


we believe will be a great resource for lakeshore residents, lake associations, and many others who care about our lakes.

The Michigan Shoreland Stewards Program is a voluntary web-based survey that asks property owners about their management practices on their entire property. The property is broken down into four main areas: the upland, the buffer, the shoreline and the lake.

Completion of the survey generates a certificate of recognition for three different levels: Gold, Silver and Bronze. If a property does not yet meet the standards for one of these levels, a starter level will be indicated. Every property is different. Some properties will qualify right away, while others may need improvements before they qualify. Those who don't immediately qualify will be provided with suggestions for improvement. They are then encouraged to take the survey again once they've implemented changes to their practices. For lakefront property owners who want to let their neighbors and passersby know they are proud Shoreland Stewards, there is an option to purchase a weather-proof sign that indicates the stewardship level and program logo.



The Michigan Shoreland Stewards program is just one way the MNSP hopes to improve lakeshore habitat all across the state of Michigan. If you own lakefront property and are interested in being recognized for your good management practices or you want to see how your property rates, the Michigan Shoreland Stewards Program is here for you!

Our many thanks to the lake associations who provided invaluable input and financial support: Lake Charlevoix Association, Crystal Lake and Watershed Association, Elk-Skegemog Lakes Association, Glen Lake Association, Mullett Lake Area Preservation Society and Pickerel-Crooked Lakes Association. Additional funding for the website development was provided by Michigan Lake and Stream Associations, the Resource Institute of Michigan, the Michigan Department of Natural Resources, and the Michigan Department of Environmental Quality. Also assisting with the project are Huron Pines and Land Information Access Association. For more information about the Michigan Natural Shoreline Partnership, visit [www.mishorelinepartnership.org](http://www.mishorelinepartnership.org) or the Michigan Shoreland Stewardship Program, [www.mishorelandstewards.org](http://www.mishorelandstewards.org). 

*Please note: The Michigan Shoreland Stewards website will go live at the end of April 2016.*



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  - Fathead Minnows



# We want to recognize YOU

## for protecting Michigan's inland lakes.

The MI Shoreland Stewards program is a statewide recognition program developed by the Michigan Natural Shoreline Partnership to recognize lakeshore property owners who protect their lake through good shoreland management practices.

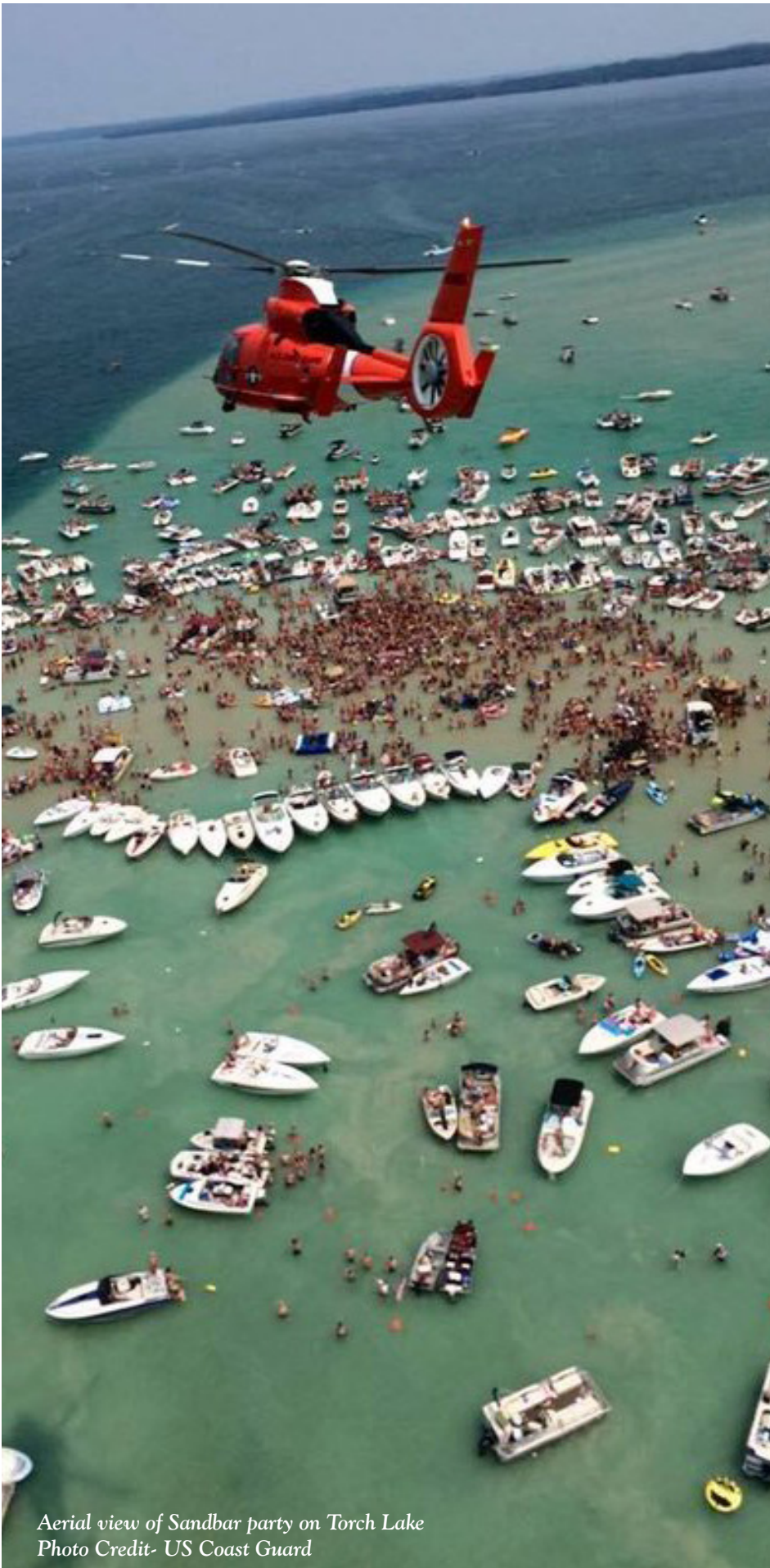
### Become a MI Shoreland Steward!

- 1** Take the online questionnaire to determine if your lakefront property qualifies as a gold, silver or bronze stewardship level.
- 2** Learn important tips on how you can protect your lake and improve your shoreland.
- 3** Once you complete the questionnaire, you can print a stewardship certificate. If you want to **let everyone else know you're a MI Shoreland Steward**, purchase a sign to display in your shoreland.

## www.mishorelandstewards.org







Aerial view of Sandbar party on Torch Lake  
Photo Credit- US Coast Guard

# Sandbar Parties A Growing Trend

Cliff Bloom's article in the 2016 winter issue of *The Michigan Riparian* "I Can No Longer Even Enjoy My Lake..." brought to our readers' attention sandbar parties and the impact they have on lakefront property owners. It is an excellent overview of the problem and it offers possible solutions. We have included some excerpts from various sources describing the scope of the situation. To read entire articles from each source, visit websites cited. Below you can read an earlier Torch Lake Protection Alliance newsletter that was sent to residents of Torch Lake updating the status with the Sandbar Task Force.

## The Detroit News

### Torch Lake revelers wearing out welcome

John Barnes, Special to The Detroit News  
7:37 a.m. EDT July 14, 2015  
[www.detroitnews.com/story](http://www.detroitnews.com/story)

It's the most recent of raucous boat parties dubbed Midwest Mardi Gras events that are growing in popularity.

At popular Torch Lake, in Antrim County, "It's like Panama City (Florida) during spring break," said Swiercz, a Central Michigan University senior from Bay City. "It's definitely a college scene"...a nuisance that's getting out of hand.

The festival drew perhaps its biggest crowd yet for the July 4 weekend, estimated by police at 10,000 — and complaints from residents about trash, trespassing and drunken misbehavior. Drone video footage showing a lake crammed with pleasure boats was posted on YouTube. Coast Guard helicopters released photos of a sea of boats and bodies. The event has raised questions about how much is too much...



## Houghton Lake Bud Bash

Jobbiecrew.com

Started by the owner of The Limberlost Bar in 1985 on beautiful Houghton Lake, the 30th annual Bud Bash takes place this year on Saturday, August 1st, 2015.

Between 5,000-10,000 people will flood the South Shore for a giant boat party.



*Houghton Lake Bud Bash 2015*



Posted: Thursday, July 16, 2015 5:33 pm

100-plus arrests, citations from Torch Lake party By MICHELLE MERLIN mmerlin@record-eagle.com

**TRAVERSE CITY** – Emergency responders hustled around Torch Lake in an attempt to keep roughly 10,000 holiday partiers safe.

Officers from five law enforcement departments and members of three local emergency response teams kept close to Torch Lake during July 3-4. They rolled up nearly 180 arrests and citations, as well as responded to 62 medical calls, according to a press release from the Kalkaska County Sheriff's Department.

## Sandbar Task Force Continues Its Work

By Norm Neuenschwander,  
Sandbar Task Force and TLPA board member

Spring 2016 Newsletter  
Volume XIX Number 1  
[www.torchlakeprotectionalliance.org](http://www.torchlakeprotectionalliance.org)

It has been more than seven months since July 4th, 2015 and over four months since the Clearwater Township (CWT) Sandbar Task Force was formed with township officials and local residents. So you might be asking, "What has been accomplished?"

The task force has met monthly and in several instances more frequently. To say things are not progressing as quickly as many would like would be an understatement. TLPA has suggested several proposals for parking restrictions, container control, and sponsor permitting for mass gatherings. No progress has been made on restricting carry-on containers or sponsor permitting. The task force agreed on the need for signage in or near the water at the public access sites to assist the partiers out in the water in finding a public exit, hopefully reducing the trespassing through private property. We also supported the need for improved trash container and porta-john locations with more frequent emptying and cleaning.

There is a resolution in the works to prohibit parking from Memorial Day to Labor Day on both sides of Crystal Beach Road from the bridge to the Lake Street access and on the even numbered side on Torch Bridge Court Drive. Though not as extensive as the task force envisioned, these restrictions, the only ones the Kalkaska County Road Commission would support, should help reduce congestion, improve traffic flow and provide more safety for pedestrian traffic in that area. The resolution has been approved by the CWT Board but still requires approval from the road commission and the Michigan State Police.

Reducing the current 45 mph speed limit on the east end of Crystal Beach during the summer months received no support beyond the



task force. The Michigan State Police have responsibility for setting speed limits based on a study of the speed at which 85 percent of the vehicles drive through the study zone. There are two problems: there have been no recent accidents on Crystal Beach to justify a study; and, even with a study, we could end up with a higher rather than a lower speed limit. No help here.

Another initiative is to review and enhance elements of CWT Ordinance #20, which addresses nuisances such as noise, littering, and trespassing, among other things. If the proposed modifications can be supported and approved by township officials, the ordinance could provide a basis for law enforcement to address some of the obnoxious behaviors occurring on the sandbar and public accesses.

The task force meeting with the Michigan Department of Natural Resources was informative but resulted in little more than an agreement that the level of resources and patrols they have provided in the past would continue. Their focus is on enforcing boater laws and boater safety. They have limited resources and have many areas, not just the sandbar, to patrol.

The task force still needs to meet with the Kalkaska and Antrim County Sheriffs' Departments and the Kalkaska County Prosecutor. We experienced a setback with the unfortunate death of Kalkaska County Sheriff Abe DeVol. His history and expertise in dealing with sandbar issues will be sorely missed.

So you ask, "Is that it?" It would appear that the key to making significant changes on the sandbar rests with enforcement. It is doubtful that our local sheriffs' departments will be able to place more deputies out on the sand bar. We cannot be certain until we meet with them, but based on past statements that will be their likely response. In the meantime, the task force will continue to pursue realistic approaches to assist with controlling sandbar activities. Also, TLPA has established a special fund to deal with sandbar safety issues. (See page 37)

# LAKE ASSOCIATIONS AND TOWNSHIPS (Continued from page 31)

access to specific lake information. This is especially the case in areas where there may be hundreds of lakes in a given local unit of government. The lake association then becomes a key resource of knowledge for the local government. One significant hurdle for this is that township officials may not attend lake association meetings and lake association members may not attend local government meetings. Additionally, many local government meetings have a lengthy agenda with multiple items and often lake issues are a single item. Local government boards are often overwhelmed with responsibilities to the public and may find accumulative lake issues also overwhelming.

Local units of government must recognize the importance of the local tax base since a large amount of community tax base would originate from waterfront property values and the inherent taxes. In order to protect these property values, the lakes must be maintained or improved, especially if under attack from invasive species or water pollution. A study conducted by Bemidji State University (2004) cited a \$206 increase in vacant property value for each one-foot increase in water clarity. Property values are often even higher with dwellings present and thus that value would likely increase for developed lots. The presence of an exotic or invasive species such as Variable-leaf Watermilfoil in inland lakes can reduce property values 20-40%, which is substantial and would have significant impacts to municipal tax revenue on a lake-wide scale. Waterfront property values have been estimated to be around 200 billion dollars in the state of Michigan alone and may generate approximately 3.5 billion dollars in annual tax revenues (Kevern, 2008).

Fortunately, local units of government have the authority to conduct planning and zoning activities which may lead to development of local ordinances to protect waterfronts and water quality. Public input is solicited during ordinance development and this is where lake association members can be pivotal. If prioritized goals have been devised then they can be presented to the local government and they can incorporate land use planning items that address those specific goals for one or more local water bodies. If goals to protect and improve water

quality are created by the association, then these can be used to assist the local government with the development of water quality regulations in the zoning process. This collaborative development by both parties emphasizes the necessity of planned communication for the ultimate goal of lake protection.

## Conclusion:

Since lakes are regulated by the states, the probability of a “tragedy of the commons” occurring is likely low. However, the inability of a lake association to inform and educate local municipal leaders about the specific lake issues facing an individual lake, results in continued degradation of the lake water quality and overall health. Most lake associations rely on special assessment districts for lake improvements and these are only possible through municipal support. Township and local government leaders need to have access to valuable lake information in order to make educated and long-term decisions that will positively affect a given lake or water body. That information is only possible through collaborative meetings and clear communication between a lake association and the governing body. ●●●

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# A Problem on Torch Lake is a Problem For All Of Us

“We don’t have a south Torch Lake and a north Torch Lake, a west or an east Torch Lake. We are all in this together.”

By Barb Carton, charter member and TLPA board member

In 1994, people gathered from around the lake to organize the TLPOA, an association that was later changed to TLPA, for tax reasons. The DNR, which still owns land in the northwest corner of the lake, wanted to build a public boat launch site in a zoned residential area that would require dredging. Neighboring property owners brought suit against this action, but ALL of us from around the lake recognized that this was not just a “northwest” lake problem. It could happen in any township, next door to any one of us. We all wrote letters and postcards; many of us spoke at the hearings.

We now have a very serious escalation of a party at the sand bar. This situation is way out of control, for the residents, for the businesses, for the sheriffs, for the entire south end of the lake. TLPA has supported the sheriffs and worked on this problem over the years. Social media has meant an increase of up to 10,000 people attending, with an increase in all of the bad behavioral activities that goes along with drunken and drugged parties of that size. Obviously the sand bar has special geographical features that make this kind of event more probable to occur. However, events of this magnitude can and will affect the entire lake over time. We cannot ignore this, and we need support from the entire lake community.

We don’t have a south Torch Lake and a north Torch Lake, a west nor an east Torch Lake. We are all in this together. This is true of Golden Brown Algae, invasive species, e coli water testing, consistent and legal conformities to zoning restrictions...the list goes on. Many of these issues could affect property values. Whether you are 10 miles away or 3 miles away or next door, a similar problem could be in your back yard or on your beach.

I don’t live in the northwest part of the lake, nor do I live in the south part of the lake. I’m not near the sand bar, but I know that this is important for the safety of our lake. Yes, we are working on the algae problem, invasive species, and so on, but those of us on the board can’t do it alone. This is an area where you can help. Contact people who have influence asking for assistance as needed. This is OUR TORCH LAKE! We can’t let it get used and abused.

## Safety Fund is Established

The TLPA Board of Directors recently established a new fund aimed at supporting safety initiatives in and around the Torch Lake Sandbar. Contributions from the public are being solicited for this fund. Dubbed the "Sandbar Safety Fund", monies contributed to the fund are to be used to enhance safety and law enforcement efforts. Uses could include township initiatives, county sheriff and DNR support, as well as private organization activities including the hiring of professional security services to work in conjunction with the local law enforcement team.

Donations to the fund are tax deductible and will only be used for the specific purpose of safety initiatives and law enforcement support on Torch Lake and its sandbar. We all have the same objectives: to preserve and protect a beautiful resource and maintain the health and safety of all those using and living in and around it. Please consider making a donation through the TLPA website (Torch Lake Protection Alliance.org) or by check through the mail (TLPA, PO Box 706, Bellaire, MI 49615).

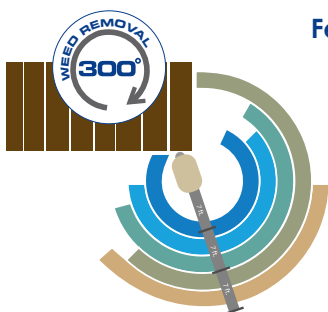
Clearwater Township officials, local and state law enforcement and the Torch Lake Protection Alliance have been working together to improve the situation at the Torch Lake sandbar. Please check future issues of the Michigan Riparian magazine for updates on the situation.



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## Another Road End Case from the Michigan Court of Appeals

By: Clifford H. Bloom, Esq.

Bloom Sluggett Morgan, PC | Grand Rapids, Michigan | [www.bsmlawpc.com](http://www.bsmlawpc.com)

The Michigan Court of Appeals issued its unpublished opinion in *Bildstein v Hasler* on January 21, 2016 (Case No. 323094; 2016 WL 298982). The case involved the plat of Woodland Beach No. 1 which is adjacent to Crooked Lake in Keeler Township, Van Buren County, Michigan. The plat created or dedicated a 20-foot wide private road ("Woodland Court") that approached the lake at an approximately 90 degree angle. The road then turns to the southeast and runs along the shore of the lake as a "beach". The road portion was dedicated as a "street". The plat indicated that both the street and the beach were dedicated "to the use of" lot owners within the plat.

At the point where the road end intersects with the lake, the owners of several backlots installed a dock, moored a number of boats seasonally and engaged in lounging, sunbathing and at times, partying. The adjoining first tier lot owners tired of the conduct of the backlot owners and filed a lawsuit in the Van Buren County Circuit Court.

The trial court held that the first tier lot owners are riparian notwithstanding that their lot was separated from the lake on the plat by the area dedicated as a beach. The trial court also held that the backlot owners could install one non-exclusive dock at the road end but could not moor, anchor or dock boats at the road end or on the dock overnight. The trial court also made determinations regarding the allowable use of the beach.

On appeal, the Court of Appeals generally upheld the decisions by the trial court with the exception of those relating to the beach. The appellate court held that the issues regarding the beach were not properly before the trial court and therefore dismissed those issues. Overall, the Court of Appeals agreed with the trial court that the road end was for access to the lake only, that the backlot property owners could have one non-exclusive dock (essentially for day use) and that no boat or watercraft could be moored or kept at the road end or the dock overnight. That is consistent with the overwhelming applicable Michigan appellate case law as provided by *Jacobs v. Lyon Township (after remand)*, 199 Mich App 667 (1993) and *Theis v. Howland*, 424 Mich 282 (1985). It is not clear from the written opinion by the Michigan Court of Appeals whether or not the backlot owners can engage in non-access uses at the road end such as lounging, sunbathing and picnicking. In general, the Michigan appellate case law has not allowed non-access uses such as lounging, sunbathing and picnicking at road ends. See *Jacobs v. Lyon Township* and related cases. ■■■



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