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

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FROM THE PUBLISHER



Let's Celebrate Spring!

White Lake, located on the west side of the state in Muskegon County, is the front page feature story in this issue. It got a lot of attention in the 1980s when it was declared an Area of Concern on the Great Lakes. Contaminated surface and groundwater as well as wastewater and sewage in White Lake were the aftermath of years of industrial waste. You can imagine the devastation to aquatic life, wild life, the residents and the environment. By 2014, through the laudable efforts of government agencies, local organizations and area residents, the lake was restored. What an amazing story of persistence and triumph. White Lake's early history, its claim to having the world's largest weathervane, and the intriguing story of a rediscovered shipwreck will be an enjoyable read.

Whether you're for it or against it, recreational marijuana is a hot topic. Cliff Bloom addresses how the new law may effect lake living. Cliff also gives us insight on lake parks, and the court's recent decision that leaves some questions unanswered.

We've been hearing a lot about drones and their applications in our daily lives. In the Ask the Experts feature, the question of using drones for lake management is answered.

The spring 2019 issue of *The Michigan Riparian* magazine launches part one of a series on PFAS. It's a dilemma causing great concern, and we will be covering it from several perspectives.

Meet the board members and staff of MLSA and *The Michigan Riparian*. You will get a personal glimpse of the people behind the scenes of both organizations. Learn where they live, their backgrounds, and their history with MLSA/Riparian—a diverse and interesting group.

The Annual MLSA conference is fast approaching. Walk-ins are always welcome. This year's conference is going to be fantastic. Refer to the agenda inside or go to www.mylmsa.org for more information on the event.

Keep sending us your stories, questions and pictures. It certainly seemed like a long winter, and I am doing the happy dance that spring has finally sprung!

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- ❖ Water levels and lake dams
- ❖ Using drones for lake monitoring
- ❖ College interns and lake management
- ❖ Shoreline protection strategies
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INNOVATIONS in Lake Management: *Past, Present, and Future Needs*

Dr. Jennifer L. Jermalowicz-Jones, MLSA Science Advisor

INTRODUCTION

Innovation is one of several values that would be inherent in a resilient world through an emphasis on local governance, experimentation, and acceptance of change and disturbance. Although the concept of innovation has resonated through societies over the centuries across the earth, there are specific characteristics in the modern world that qualify a particular task or endeavor as “innovative”. Innovation has been defined by Baregheh et al. (2009) as: “A multi-stage process whereby organizations transform ideas into new/improved products, services or processes in order to advance, compete, and differentiate themselves successfully in their marketplace”. An additional definition is offered by Amabile et al. (1996): “All innovation begins with creative ideas, and we define innovation as the successful implementation of creative ideas within an organization. In this view, creativity by individuals and teams is a starting point for innovation; the first is necessary but not a sufficient condition for the second”.

Inland lakes in Michigan and other northern states have existed for over 11,000 years since the last geological ice-age and retreat of the glaciers. The eutrophication process whereby a lake approaches a nutrient-enriched and vegetated state was initiated as lakes began to accumulate glacial till and fertile sediments. The development around inland lakes (Figure 1) has become inevitable in both historical and modern times due to the many ecosystem services and other values offered by these unique systems (i.e. recreation, navigation, vistas, and property values). Inland lakes which contain a closed-basin without an inlet or outlet are especially vulnerable to surface runoff, whereas lakes with tributaries and water inputs and outputs are susceptible to non-point source pollutants with

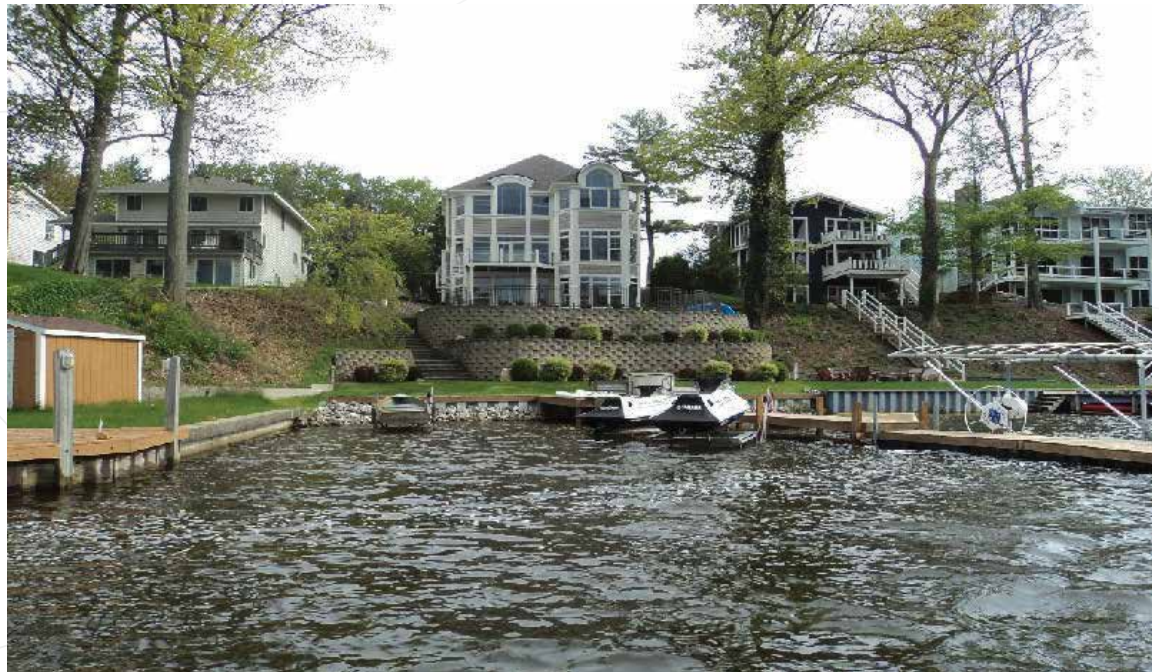


Figure 1. A highly developed lakefront on a Michigan inland lake.

potential impacts to receiving water bodies. Most lakes are vulnerable to storm drains that empty runoff from the surrounding roads and watershed into them (Figure 2)

At present, property values from these systems are often a strong incentive for lake communities to preserve the functional integrity of the lakes, while accruing the financial, aesthetic, and recreational benefits. Historically, lake systems were often a necessity for living through the contributions of water and reservoirs for logging and other essential industries. Our dependence on lakes for survival has declined over the centuries with the invention of other technologies, and lakes are therefore utilized today as luxuries or non-essentials. Such a realization may add credibility to the strong observations of lake water quality degradation since riparian survival no longer depends on those attributes.

It then becomes critical to acknowledge the sensitivity of these systems to disturbance and their limited ability to be resilient in the face of environmental degradation. Aquatic systems are highly vulnerable to thresholds in pollutants and are often unable to rebound after reaching “tipping points” (Carpenter and Brock, 2006), which then necessitate costly and complex interventions to bring some equilibrium to the system. An innovative approach that incorporates an educational framework for lake ecosystem stakeholders with local governmental power may be a valuable tool in the prevention of lake degradation in the face of progress and increase the probability of long-term lake system resilience. O’Sullivan (2002) notes that a successful innovative program would contain a sound goal definition, proper alignment of action to goals, active team participation, adequate monitoring of results, and adequate access to critical information.

The resilience of lake systems would necessitate a consistent effort from local



Figure 2. A storm drain entering an inland Michigan lake.

riparians which requires exposure to the existing state of the lake condition and predictions of what may occur to the system if surrounding conditions are unimproved. A precise knowledge of all possible non-point source inputs to the lake is essential for proper monitoring of specific parameters. Additionally, a thorough understanding of the potential impacts of these pollutants on the sensitivity of the lake system is needed to enforce a sense of long-term responsibility to each riparian. Baseline measurements would also be required for use in comparison to future data in order to accurately assess the changes in the lake system and the degree of resilience given known quantities of inputs. Furthermore, the utilization of surrounding municipalities may assist with the proper alignment of detection and prevention methods to the ultimate goal of lake preservation. Development of innovative methods may lead to similar strategies across waterfront communities which would increase the resilience of lakes that are inevitably subjected to strong development pressures in modern times.

PAST

All lake improvement methods and strategies were once innovative at the time of their initiation. For example, in the 1940’s the aquatic herbicide 2,4-D was first synthesized to battle crop infestations with the herbicide being used decades later for aquatic plant infestations. At the time, not many products existed compared to the hundreds available in the world today. Limnological sampling tools did not include the depth-integrated probes that are used today to give us the most precise water quality data from our lakes. Of course, the need for innovative methods for lake improvements were not as great in historical times since the age of lakefront development was not yet prevalent. The need for innovative methods thus is a major driver for actual development of innovative technologies and processes.

(Continued on page 8)

INNOVATIONS in Lake Management:

Past, Present, and Future Needs

(Continued from page 7)

PRESENT


The need for lake innovation strategies has never been greater than in present times. This is largely due to developmental pressures but also due to externalities caused by upstream water courses that enter inland lakes. Such externalities can include but are not limited to agricultural runoff, pollution, erosion and sedimentation, among others. Each lake differs in its relative resilience and how it responds to negative pressures. The lake management field is teeming with innovation which includes specialized lake sampling tools, useful software for managing nutrient inputs and soil erosion, in-basin and watershed nutrient and sediment reduction technologies (i.e. lake aeration and drain filters), bio-engineering of soft shorelines (Figure 3), creation of critical fish habitat, tools for reducing nuisance aquatic plant growth (mechanical, chemical, and biological), and sophisticated GPS, LiDAR, and drone technologies that can detect the presence of impairments that are not readily visible or apparent.

FUTURE NEEDS

While the lake management community has been able to develop site-specific strategies for various lake problems, the need for ecologically-safe and economically-feasible options has never been greater. Since funds for lake improvements are scarce and often are only generated by the



Figure 3. A natural shoreline on a Michigan inland lake.

riparians, there is a dire need for cost-effective solutions that will result in long-term improvements at a reasonable cost. It is equally important to assure that these innovative approaches are also ecologically-friendly in that they do not create any detriments to the lake ecosystem and its inhabitants. In a time where cultural (anthropogenic) eutrophication is rapidly changing the trophic status of our inland lakes, the symptoms of this conversion often exceed the pace of new innovations. We need to be responsive to individual lake issues with best management practices (BMP's) that are tailored to each specific lake and often to particular sites within each lake. 

References:

- Amabile, T.M., Conti, R., Coon, H., Lazenby, J., and Herron, M. 1996. Assessing the work environment for creativity, *Academy of Management Journal*, 39(5): 1154-1184.
- Baregheh, A., Rowley, J., and Sambrook, S. 2009. Towards a multidisciplinary definition of innovation, *Management Decision*, 47(8): 1323-1339.
- Carpenter, S.R., and Brock, W.A. 2006. Rising variance: a leading indicator of ecological transition, *Ecology Letters*, 9(3): 311-318.
- O'Sullivan, D. 2002. Framework for managing development in networked organizations, *Journal of Computers in Industry*, 47(1): 77-88.
- Walker, B.H., and Salt, D. 2006. *Resilience Thinking: sustaining ecosystems and people in a changing world*. Island Press, 174 pages.

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The Michigan Riparian magazine is announcing a new rate change for all lake association subscriptions. This new rate will take place with your next lake association subscription order/renewal.

The Michigan Riparian has not had a rate increase for lake association subscriptions in over 8 years.

Due to the increased costs for postage, printing and distribution over the last several years, we are forced to raise the rate to \$14.00 per year. We hope you understand and will continue to enjoy a magazine that educates, provides insight, keeps you informed on current events and provides valuable information that benefits your lake association.

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ASK THE EXPERTS

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Question: How can drones support inland lake management efforts?

Answer: Many lake associations, watershed councils, and conservation districts are teaming up with unmanned aerial vehicles (UAVs), more commonly referred to as drones, to enhance lake management efforts.

As you may be aware, small unmanned Aerial systems (sUAS), those weighing less than 55 lbs. including payload, can be equipped with advanced camera systems and data links that can send imagery to a small ground unit in real time. With the use of drones, several lake communities in the northern lower peninsula of Michigan are upping their game in the following ways:

A. Mapping – One of the most important aspects of lake management is being aware of details in and around your lake to follow trends and changes. Drones can provide the ability to map beneficial terrestrial, wetland, and aquatic plants, large woody habitat, sites with high erosion or potential for erosion, and other lake ecosystem health indicators. This mapping can extend beyond the lake to identify sources of nutrients flowing into the lake from upstream. Furthermore, they can be used to precisely map navigational hazards and other areas of interest for lake users.

B. Comprehensive Shoreline Surveys - This is a major new area where sUAS have been helpful. Drones are being used to visually document conditions along the shoreline and shoals by collecting data that has a multitude of uses such as score the shore surveys, terrestrial invasive plants, erosion, cladophora, golden brown algae, seawalls, land use issues, drains, zoning, and code enforcement. These recordings yield invaluable historical data.

C. Detection and Mapping of Aquatic Invasive Species – sUAVs are extremely effective in locating and mapping aquatic invasive plants. Large areas of a lake are quickly narrowed down to the areas of concern providing tremendous time savings and precise mapping of invasive colonies. Up until now, many lake managers have long used overhead photography from private aircraft and helicopters to support their lake management efforts. However, by using drones they can now gather data more rapidly and use this data in applications to yield very precise detection, planning and real time treatment of aquatic invasive species and to help address other lake management challenges. However, by using a drone we can now gather data coupled with mapping applications to yield very precise positioning and assessment of aquatic invasive species.

D. Aerial Guidance for Product Application – The efficacy of treating invasive plants when the treatment boat is guided by real time video feed is advantageous. It allows the applicator to articulate the shape of the infestation for more precise distribution of product and quick correction should an area be missed. This results in minimal waste of product and therefore has less negative impact on the environment along with cost savings.

E. New Developments - DEQ tested a drone equipped with infrared sensors to monitor PFAS contamination near Camp Grayling in October, 2018. Michigan Technical Research Institute completed a three year study in August, 2018, using drones equipped with multi-spectral sensors to map Eurasian Watermilfoil near Les Cheneaux Islands in Lake Huron.

* * * * *

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

What does Marijuana have to do with Lake Living?

By Clifford H. Bloom, Esq.
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Grand Rapids, Michigan
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In November of 2008, Michigan voters approved the possession, use, sale and growing of medical marijuana with certain limitations. This past November, Michigan voters approved the use of marijuana for recreational purposes subject to certain regulations. Undoubtedly, the use of both medical and recreational marijuana will affect all aspects of Michigan society, including lake neighborhoods..

This issue's column examines several different aspects of how legalized marijuana can affect lake communities – zoning and planning laws, where marijuana can be smoked or consumed, properties owned by lake associations and operating boats and vehicles while under the influence of marijuana.

Michigan law now allows the growing and sales of both medical and recreational marijuana. Local municipalities (cities, villages and townships) do, however, have the legal authority to regulate and limit commercial uses via zoning and licensing ordinances. If officials in your municipality do not want to allow the commercial growing, warehousing, or sales of medical or recreational marijuana, the municipality should amend its zoning ordinance accordingly. There may be other police power ordinances that may also be appropriate. Local municipalities should also determine whether to allow the smoking or consuming of marijuana in government buildings, public parks, municipal marinas, government arenas and other municipal facilities.

What about driving vehicles, operating watercraft and using snowmobiles while under the influence of marijuana? In Michigan, it is not illegal to consume alcoholic beverages before operating an automobile, truck, snowmobile or boat; it is illegal to so operate a motor vehicle or boat where a person's blood alcohol level reaches a certain point or impaired behavior renders the operation of such vehicle or boat unsafe. It is also unlawful to consume an alcoholic beverage while actually operating a motor vehicle, boat or snowmobile. All of that is also true with marijuana use. It is illegal in Michigan to operate an automobile, truck, snowmobile or watercraft on a public road, on a lake or in any other public place while actually smoking or consuming marijuana or "while under the influence" of

marijuana. With regard to vehicles and trucks on public roads, there are generally two marijuana-related offenses. Those offenses include Operating While Intoxicated and Operating While Visibly Impaired (the lesser offense). The same offenses apply to people who operate watercraft. The legal limit for marijuana impairment is .08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine for operating a watercraft, just the same as it is for a motor vehicle. Unfortunately, to date, there is no easily administered on-site test for determining such amounts, although law enforcement agencies nationwide are attempting to develop easy to administer and reliable tests for determining marijuana impairment.

“Undoubtedly, the use of both medical and recreational marijuana will affect all aspects of Michigan society, including lake neighborhoods.”

The use of marijuana can also increase a person's liability potential. If someone injures or kills another person or destroys property while under the influence of marijuana, the perpetrator can potentially not only be found guilty of a criminal offense, but can also be liable to the person injured or the deceased person's estate. Such liability could potentially occur even if the perpetrator's blood contains only trace amounts of tetrahydrocannabinol (THC). THC is the psychoactive compound that creates the high sensation after using marijuana.

Under the laws governing both medical marijuana and recreational marijuana, a person cannot smoke or consume

(Continued on page 18)



Fred Denman lives in Fairview on Perry Lake located in the northeast part of the Lower Peninsula. As a riparian, Fred has served on his lake association board and is its current treasurer. Since 2004, he served as a Loon Ranger for the Michigan Loon Association. A resident of Comins Township, Fred has served on the Zoning Board of Appeals and the Planning Commission. Many organizations such as the Salvation Army, Rotary, Boy Scouts, Michiana Watershed Board and the Habitat for Humanity have had the benefit of Fred's volunteer efforts. Fred has an extensive background in finance and trusts. During his working career, Fred worked in the insurance industry and also the communications industry. Currently, this Army veteran has a partnership that builds DASH boats and has overseen diver assisted suction harvesting as Comins Township's DASH Supervisor from 2015-2017.



David Maturen has lived since 1980 on Indian Lake in Vicksburg. He grew up on the Saginaw River and Saginaw Bay. He graduated from Western Michigan University with a BBA and MPA. From 2015 to 2018 he represented the 63rd District in the House of Representatives. He served as Vice Chair of the Tax Policy Committee and was on the Transportation and Infrastructure Committee during all four years as well as serving on the Energy Policy, Local Government, Natural Resources and Financial Liability Reform Committees. Dave was very instrumental in helping MLSA to secure funding for Cooperative Lakes Monitoring Program for the upcoming year. His past experience with MLSA includes roughly a decade in the 1990s on the Board of Directors and President of *The Michigan Riparian* magazine board. Dave has served as an elected official at the township, county and state levels for 30 years. He is the owner of Maturen and Associates, a real estate appraisal company which specializes in right of way acquisition for public works projects and conservation easements.



Nancy Beckwith has been a member of MLSA for approximately 18 years and, as a member of the Board of Directors, she has continued for the past 10 years to serve as its secretary. She has also served Michigan Waterfront Alliance (MWA) for years. Having spent every summer with her family at Hicks Lake in Osceola County since 1954, she has a strong affinity for Michigan's inland lakes. She is a certified mentor for CLMP training and has absorbed much valuable information about lake science and lake law due to her close working relationships with many of the professionals. She was raised in Ewart, Michigan. After high school graduation, Nancy joined the Army. She was stationed in Washington DC and Ling Binh, South Vietnam. Returning home, she worked for the IBM Corporation in Grand Rapids. Ten years later, she changed course to be a full-time mom. Nancy and her husband, Larry, have lived in the Heritage Hill historic district in Grand Rapids since 1975 and have been involved with historic preservation, receiving several awards for their work. Nancy participated in the CLMP program for ten years.



Dr. John W. Wilks worked for 32 years as a Research Scientist for drug discovery in the pharmaceutical industry. He earned a BS from the University of Wisconsin, Madison and a PhD from Cornell University. John has been an MLSA member since 1984 and served as the Indian Lake Association of Vicksburg President from 2008-2014. John has served as director on the MLSA board since 2012 and was a lake association representative for the Southwest Michigan MLSA regional meetings since 2004. John has been a CLMP volunteer since 2004.



Sharon Wagner is the publisher of *The Michigan Riparian* magazine. She has served both organizations with various roles the past ten years including editor, office manager, and Foundation board member. She, her husband and their three children reside on Clifford Lake. A graduate of Central Michigan University and prior to MLSA involvement, ran a marketing company for several years out of Lansing, Grand Rapids and St. Joseph areas.

Meet the Team

MICHIGAN LAKE STEWARDSHIP ASSOCIATIONS AND THE MICHIGAN RIPARIAN



Dr. Jennifer L. Jermalowicz-Jones is the owner of Restorative Lake Sciences and has served on the MLSA Board of Directors since 2008. She grew up on Cass and Commerce Lakes and resides in Spring Lake. Jennifer serves as the Science Advisory Chair for MLSA and is involved in studying, managing, and restoring our inland lakes. She is also actively involved in NALMS and lake stewardship and education. She has a BS in Biology/Limnology from Michigan Tech and a MS in Aquatic Ecology from Grand Valley State University. She earned her PhD in Water Resource Development at Michigan State University. She received the Gilbert Mouser Fellowship while at MSU along with a professional watershed manager certificate.



Lon Nordeen was honored as the MLSA Riparian of the Year in 2015 for his work protecting Pleasant Lake, where he has resided for the past 10 years. He has served on the MLSA Board for the last four years as well the Michigan Waterfront Alliance and the Pleasant Lake Property Owners Association boards. After working more than 35 years in the aerospace industry with the American Institute for Aeronautics and Astronautics (AIAA), McDonnell Douglas and Boeing, Lon transitioned to consulting. He has a Bachelor's degree in communications from Boston University and a Master's degree in International Business from Webster University. He is the author/co-author of 12 books and more than 150 articles, 50 technical papers and has appeared the History and Smithsonian Channels and other news programs.



Mike Gallagher, MLSA's Board President is a graduate of Michigan State University with a BS in General Business. He grew up on Base Lake in Washtenaw County and has lived for 34 years on Gull Lake in Kalamazoo County. He is a CLMP volunteer and an MLSA member for 10 years. Mike has been involved with the Four Townships Water Resources Council and has effectively worked with local government officials to protect inland lakes and watersheds. He was instrumental in having a boat wash system installed for Gull Lake with the township paying for a significant share of the construction costs. Mike is retired from Gallagher Uniform.



Paul J. Sniadecki and spouse, Joan Makielski, reside on Eagle Lake in Cass County. Since 1995, they are third generation family owners of the 100 year old "Makielski Field Stone Home on the Lake". He has been a member of MLSA's board of directors since 2017, and currently serves as its treasurer and newsletter editor. Since 2009, Paul has been a certified CLMP program mentor for new CLMP participants. In 2012, he was recognized as the MLSA Riparian of the Year. Paul is a MSUE Master Citizen Planner and Certified Zoning Administrator. He also is the President Emeritus of the Eagle Lake Improvement Association, Inc., and has served on the boards of several non-profit organizations. After 43 years of service with various governmental agencies, Paul is retired. A popular author and seminar presenter, Paul is often invited by various groups to speak on lake area planning/zoning, DEQ Permitting Issues, and other riparian-related topics. As time permits, he can be found sailing sloops and dinghies.



Jean Roth has served as the Administrator for CLMP (Clean Lakes Monitoring Program) since 2009. She and her husband, Jim, moved to their retirement home on Chain Lake, Iosco County, in 1994. Jean was a stay at home mom, caring for her six children and volunteering at their schools until after their graduation. She has received extensive education via the MLSA Lake and Stream Leaders Institute; the Clean Boats/Clean Waters, as well as Lakeside Landscaping.



Melissa DeSimone is the MLSA Membership Coordinator. She is a graduate of Illinois State University with a BS in Elementary Education and Governor's State University with an MA in Educational Administration. Melissa, her husband and son live part-time on Gravel Lake in Van Buren County. Melissa has been an MLSA member for ten years; and she and her husband, Craig, are the driving forces behind the very active Region 3 gatherings in their area.



Mark Teicher resides on Portage Lake in Washtenaw-Livingston Counties. He is the president of the Portage, Base and Whitewood Owners Association and his membership with MLSA spans over 20 years. Mark is a graduate of J.D. University of Detroit Law School along with a BA from Michigan State University. Mark is an attorney in private practice with offices in Michigan and Washington D.C.



Carol McVicker works closely with the publisher and serves as editor for the magazine and handles subscriptions. Carol lives in Pentwater near Lake Michigan and Pentwater Lake in Oceana County. Retiring after 25 years in Early Childhood Education, her interests in marketing and writing eventually brought her to *The Michigan Riparian* where she has worked since 2009.



PFAS

Contamination in Michigan

Richard Rediske, Ph.D.
Annis Water Resources Institute
Grand Valley State University
US Senate Field Summit on PFAS Contamination in Michigan
November 13, 2018

Per- and polyfluoroalkyl substances (PFAS) are impacting the health and sustainability of our water resources in Michigan and many areas of the USA. These chemicals pose a unique hazard to human and environmental health because of their mobility, potential for bioaccumulation, and resistance to degradation. In humans, they bind to proteins in our blood, remain in circulation, and are reabsorbed by the kidney; resulting in long half-lives and difficulties in the interpretation of data from studies with animals that have more rapid clearance rates. Our challenges are further complicated by the fact we are dealing with historical releases involving decades of human exposure over multiple generations and life stages. We clearly need to manage this group of chemicals as hazardous substances, restrict their discharge to the environment, and implement regulations for drinking and surface water that protect both human and environmental health. Only a few PFAS chemicals have been studied for human and environmental health effects and this class of chemicals includes thousands of related compounds that are present in commercial and personal care products.

Editor's Note: The Michigan Riparian magazine believes PFAS is a huge concern for us all. We will be running follow up articles on PFAS from a variety of sources in future issues.



Contaminated groundwater plumes from historic disposal sites have affected both residential wells and public water supplies and have exposed thousands of residents to varying concentrations of these chemicals. Based on water supply testing results conducted by the Michigan PFAS Action and Response Team, over 2,000,000 individuals have trace levels of these compounds in their drinking water. The Rogue River, an important regional trout stream, has both fish consumption and foam contact advisories related to PFAS. The Huron River also has fish contaminant advisories related to PFAS from Wixom to its discharge in Lake Erie. Abundant freshwater resources are part of Michigan's Blue Economy and are an integral component of life in Michigan communities. Residents are struggling with the fact that both public and private water supplies have been contaminated for decades with PFAS chemicals and many questions remain concerning their effects on human and environmental health. While scientific research is ongoing, health effects concerning suppression of the immune system, increased incidence of kidney and testicular cancer, childhood development problems, and disruption of the endocrine system have been reported. Adverse effects of PFAS chemicals have not been linked to specific blood concentrations; however newer studies point to vulnerable exposure windows in sensitive populations. Our knowledge of the health effects of PFAS chemicals continues to evolve and both the risks and uncertainties of exposure need to be communicated to the public in a transparent manner. We need to fully understand the potential costs and risks associated with PFAS chemicals and move in the direction of safer alternatives where necessary. Again, transparency, full disclosure, and public engagement are key to the success of this process.

Additional support for investigation, remediation, and research continue to be critical priorities for PFAS response. I am here today to request more support resources for communities impacted by PFAS contamination. The importance of robust community engagement is critical in the EPA Superfund Program and recognized by the formation of Community Advisory Groups. These groups provide a forum for members of the public to discuss their needs and concerns related to the Superfund decision-making process, facilitate the exchange of information, and provide opportunities to mobilize local and external resources for specialized programs. Community Advisory Groups were active at the Dow/Tittabawassee River dioxin site, which included an extensive blood testing program. Recently, Emory University collaborated with the Pine

River Superfund Citizen Task Force to provide follow-up medical monitoring for the 1973 release of PBB in cattle feed. Public Advisory Councils are a hallmark of Great Lakes Restoration as both the US and Canada recognize the importance of community involvement in sustainable environmental programs for Areas of Concern (AOCs). AOCs were identified in the 1980s as highly contaminated areas of the Great Lakes that must addressed as the first step in ecosystem restoration. Partnerships of concerned citizens, governmental agencies, universities, and public/private sector organizations have worked together to restore complex environmental problems in the AOCs of Muskegon Lake, White Lake, and the Detroit and Kalamazoo Rivers. The State of Michigan also has organized a Statewide Public Advisory Council so that all Public Advisory Councils can share resources and success stories and keep the restoration process moving forward. Both Public Advisory Councils and Community Advisory Groups can serve as model programs to engage the public in the investigation and remediation process. It is time to empower communities dealing with PFAS contamination in similar programs. While web sites, press releases, and news articles are important, community discussion and stakeholder input can result in a more proactive environment where local technical, educational, medical, philanthropic resources can be engaged in PFAS response and restoration. Plainfield Township's recent decision to enhance their water treatment process with granular activated carbon is an illustration of communities addressing the concerns of their citizens and providing drinking water with PFAS concentrations below the ATSDR's Minimum Response Levels.

In a recent article by Richter et al. (2018), the authors stated that the case of PFAS "illustrates the risks of a regulatory structure that assumes chemicals are safe until proven harmful, and places the burden of proof of harm on residents and agencies ill-equipped to produce scientific knowledge on chemical compounds only substantively known by their private producers.... As with other chemicals, it is engaged members of the public and social movements who



(Continued on page 17)



LAKE HAPPENINGS

Swimmer's Itch

Caroline Keson, Water Resource Specialist
Dave Edwards, Monitoring and Research Director
Tip of the Mitt Watershed Council



The Michigan Swimmer's Itch Partnership finished its second year of funding late in 2018. The Partnership provides technical and financial assistance to lakes looking to reduce their swimmer's itch. The process begins with a swimmer's itch assessment, permits for the cercarie-carrying common merganser removal and finally, merganser removal and relocation.

Last year, big strides were made in swimmer's itch control and research. One method of swimmer's itch control, which involves removing common merganser broods to new lakes that can't be infected with swimmer's itch, have been proven successful and has seen reduced costs due to training local individuals in brood removal. The control also has been advanced using geo-locators on birds to more easily find their nests. In total, 35 common merganser broods were removed from Michigan lakes in 2018. Additional relocation sites were analyzed and are awaiting approval by the Michigan Department of Natural Resources at press time.

Incredible research took place during 2018. In particular, researchers were able to identify other life cycles likely responsible for the nuisance itch. Identifying specific life cycles required researchers to isolate DNA from organisms with roles in the swimmer's itch life cycle. Two new state of the art techniques known as Quantitative Polymerase Chain Reaction (qPCR) and Loop Mediated Isothermal Amplification (LAMP) were utilized. Both techniques were used to test for the presence of specific parasites in water samples from



numerous lakes in 2018. The "quantitative" in qPCR provides a relative count of the number of parasites for certain species in a water sample. The LAMP technique offers a rapid presence and absence test of parasites in as little as ten minutes using one temperature. Through both techniques, mallard ducks and Canada geese were identified to harbor swimmer's itch related parasites. The parasites identified are different species but are closely related to parasites found in the common merganser. How common the parasites from mallards and geese are in the swimmer's itch cycle has yet to be determined. For now, the common merganser life cycle is still the most well-understood and researched life cycle.

Visit misip.org for more information on recent and planned work.

The Tip of the Mitt Watershed Council is currently coordinating the Partnership. The Watershed Council speaks for Northern Michigan's waters. We are dedicated to protecting our lakes, streams, wetlands, and groundwater through respected advocacy, innovative education, technically sound water quality monitoring, thorough research, and restoration actions. We achieve our mission by empowering others and we believe in the capacity to make a positive difference. We work locally, regionally and throughout the Great Lakes Basin to achieve our goals.


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.



PFAS

Contamination in Michigan

(Continued from page 15)

ultimately discover unseen science and shift regulatory institutions towards addressing undone science and the implementation of more precautionary environmental policy.” Public pressure and litigation continue to be the major drivers of PFAS response. MPART has stepped forward with an aggressive program to identify PFAS sources that are affecting our drinking water and aquatic ecosystems. The next step is to fully engage the public in education and restoration programs at the local level so that we can address existing PFAS contamination sites and develop effective resource management policies to prevent further degradation of our water resources. Community based restoration programs have a strong record of success and need to be a critical component of PFAS response. 

Richter, L., Cordner, A., & Brown, P. (2018). Non-stick science: Sixty years of research and (in) action on fluorinated compounds. *Social studies of science*, 48(5), 691-714.



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Registration for the 2019 monitoring season will begin on October 1, 2019.

Contact Jean Roth, Program Administrator, at 989-257-3715 or jroth@mlswa.org

To enroll on-line, visit www.micorps.net/lake-monitoring/become-a-volunteer/

What does Marijuana have to do with Lake Living?

(Continued from page 11)

marijuana in a “public place.” What constitutes a public place? Unfortunately, Michigan law does not fully define what constitutes a “public place” for purposes of not being able to smoke or consume marijuana. Is smoking or consuming marijuana while a boat is anchored (and the engine turned off) on a public lake deemed a “public place?” Likely. Others can view the act from afar. What about on a private lake? Probably. What if a guest desires to smoke marijuana on the open front porch of your cottage facing the lake? That would likely also be deemed a public place. What if the porch did not face a lake and was entirely fenced in so that no one else outside the porch area could see the porch? In that case, it would likely not be a public place. As you can see, enforcement of Michigan law regarding marijuana use will prove difficult with regard to what constitutes a public place.

If a lake or property owners association has employees, the association can and should address marijuana use in

its employee manual. Private employers can ban the use of marijuana (whether medical or recreational) for employees, even when the employees are off duty.

A lake association can also forbid the consumption or use of marijuana on any association owned property such as a clubhouse, boat ramp or park.

For more information regarding the impacts of marijuana on communities throughout Michigan, please visit www.bloomspluggett.com.

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The *Magic* That Is *White Lake!*

By Deb Hays
White Lake Association Board Member



Photo Credit: Deb Hays

THE ORIGINS OF WHITE LAKE

Some 10,000 years ago, the massive glaciers formed our Great Lakes. And along with them, White Lake was born in the heart of Western Michigan. This lake is part of the White River Watershed, which begins in Newago County and runs through Oceana County and into Muskegon County. And there it enters White Lake and exits into Lake Michigan. White Lake covers 2,571 acres, is some 5 1/2 miles long, averages a mile in width, and has a mean depth of 23 feet and a maximum depth of 70 feet.



To the American Indians who first inhabited the area, the waterfront location, abundant forests, good climate and excellent fishing and hunting were ideal. The name “White Lake” was interpreted in the 1600s from the Indian name of “Wabish-Sippe,” meaning the river with white clay, which made the water look white and cloudy. Even today, mari-clay lies in the bed of the river and the lake. Over the years, the American tribes were followed by fur trappers, traders and then settlers.

Today, many years and many settlers later, the two quaint historic towns of Whitehall and Montague are nestled among the shoreline sand dunes of Lake Michigan and lie near the north end of White Lake at the mouth of the White River. The two towns were platted in the 1860s as more and more settlers were attracted to this beautiful area.

The White Lake communities enjoyed much prosperity from the abundant white pine forests during the lumbering hey-day in the mid-to-late 1800s, when the majority of giant white pines were felled to provide lumber to build other Lake Michigan communities. After the great Chicago fire of 1871, much of the wood used to rebuild that city was hauled across Lake Michigan by ship from White Lake’s 16 sawmills. It was said that at the height of the lumbering era, White Lake saw more lumber baron millionaires per capita than anywhere else in the U.S.

The lumbering era also was the impetus behind moving the original channel into Lake Michigan approximately one-half mile south to its

(Continued on page 22)



Photo Credit: White Lake Chamber

“It's the trifecta of enjoyment on the water”

The *Magic* That Is *White Lake!*

(Continued from page 21)

current location. Lumber from the sawmills was rafted through the original, narrow channel between the two lakes before being loaded aboard ships. The local lumbermen asked for an alternative to this time-consuming process.

In 1866, an improvement program was funded by Congress, and by late 1868, the new channel was cut and revetments were in place on both sides. Piers extending out into Lake Michigan were gradually extended over the next few years.

In 1875, the lighthouse was built along the channel, and it was sold and converted into a local museum some 100 years later.

By the end of the 19th century, the white pine forests had nearly been depleted, and residents turned their efforts toward the coming industrial era and farming.

INDUSTRY AND TOURISM BEGIN

Industry developed slowly in the twin cities of Whitehall and Montague. In 1865, the Eagle Tannery Works was opened in Whitehall. Then in 1868, a large iron foundry was opened in Montague to build steam marine engines and machinery for the many lumber mills.

At around this same time, the Goodrich Steamship Line brought Chicago-area families to White Lake to “camp” and enjoy the natural beauty of West Michigan. Residents took advantage of the arrival of these visitors to usher in the tourism business that still thrives today. Soon, resorts dotted the lakeshores, beaches and millponds. Visitors also used the Pere Marquette Line to reach White Lake by train to experience all that the area had to offer. Through the early 20th century, the shoreline resort area grew in popularity as thousands of Chicagoans and others spent their summers on White Lake.



Photo Credit: White Lake Chamber

Industry made a comeback following World War II. The tannery in Whitehall and the foundry in Montague were later followed by Misco (now Arconic), Hooker Chemical, DuPont and Union Carbide, among others.

It was largely the tannery and the chemical companies that were responsible for the resulting pollution, contaminated surface water and groundwater, wastewater and sewage on White Lake. In 1987, White Lake was declared an Area of Concern on the Great Lakes under the Great Lakes Water Quality Agreement, and the first remedial action plan was completed.

There were restrictions on consumption of drinking water and on eating fish and wildlife. There was eutrophication, or an excessive richness of nutrients due primarily to the runoff from the area farmlands which caused a dense growth of plant life and death of aquatic life from lack of oxygen. Further, there was a decline in the flora and fauna found on the lake bottom, as well as a decline in the fish and wildlife populations.

A gargantuan effort by government agencies, local organizations and area residents to restore the lake back to its pristine past evolved over decades, and restriction by restriction went by the wayside.

The targets and measures approved in May 2009 for White Lake's eight Beneficial Use Impairments identified specific priority areas for estuation.

In 2011, restrictions on dredging activities were removed. The following year, the Beneficial



Photo Credit: White Lake Chamber

Use Impairment (BUI) for eutrophication, or undesirable algae, was removed. Restrictions on fish and wildlife consumption were done away with in 2013, and the BUI on loss of fish and wildlife consumption followed a year later. The year 2014 saw the removal of the degradation of fish and wildlife populations; the removal of restrictions on drinking water consumption and taste or odor problems, and the removal of the degradation of aesthetics.

On October 30, 2014, the Environmental Protection Agency announced that the White Lake Area of Concern had been removed from the list of the bi-national list of toxic hotspots that were targeted for clean-up in the U.S.-Canada Great Lakes Water Quality Agreement. The White Lake Area of Concern was the first U.S. site in the Lake Michigan basin to be delisted. Much celebration followed that historic announcement!

But just because the lake was declared delisted doesn't mean that it will be a "clean" lake forever. Efforts must continue to ensure a clean lake for today and for future generations.

The companies that caused most of the pollution issues were gone by this time. The area now has evolved to include a wide variety of smaller manufacturing and light industrial businesses that produce products ranging from weathervanes to plastic plant tags.



Photo Credit: White Lake Chamber



The resorts and recreational businesses continue to draw visitors to this vacation destination. But the small town charm, quaint streets and friendly residents remain unchanged. And that is the magic that is White Lake.

For many visitors, their first encounter with White Lake is by boat. Entering the deep channel to White Lake from Lake Michigan, boaters are greeted by the 144-year-old White River Light Station and Museum. As the channel opens into White Lake, the scenery is eye-opening! The tree-lined landscape is dotted with charming cottages and an historic family resort. A bit further up the lake stands the century-old White Lake Yacht Club, a landmark and second home to generations of area

(Continued on page 24)

Photo Credit: White Lake Chamber



White Lake
Association

Folks can also canoe, dinghy or fish up the 24-mile-long White River, boat or fish on White Lake or, weather permitting, do the same on Lake Michigan. It's the trifecta of enjoyment on the water!

A number of marinas hug the shoreline, offering a variety of amenities to slip holders and transients alike. The marinas range from small, family owned docks to large, bustling facilities to the dockaminiums located near the mouth of the White River. Nearby parks welcome families and boaters as they relax, picnic, enjoy playgrounds and attend frequent community events.

It's an easy stroll to either Whitehall or Montague, where visitors can enjoy the small-town, friendly atmosphere and browse the many charming gift shops and antique stores. Restaurants cater to all appetites, from breakfast to lunch in an outdoor garden or an authentic Dog 'n Suds drive-in to dinner overlooking the lake.



Photo Credit: White Lake Chamber

The *Magic* That Is *White Lake!*

(Continued from page 23)

families whose children learned to swim, sail and congregate there.

As you cruise along the nearly six-mile-long lake, you will see all types of homes, from quaint to majestic with boats swaying in front of many of them. The lake's size offers year-round recreational opportunities from kayaking to sailing to ice fishing. Another plus of White Lake is its sheltered shoreline that affords safe and enjoyable boating when "the big lake is acting up."

The White Lake Area Chamber of Commerce and Visitor's Bureau is located on the causeway between Whitehall and Montague and is housed in a renovated C&O train depot. Open year 'round, the Chamber's friendly and knowledgeable staff is happy to assist visitors with the variety of destinations and activities that await them in the White Lake area.

Bicyclers, walkers and hikers can enjoy the 32-mile rail trail that takes them on a journey of incredible scenery. This paved recreation trail is a favorite of locals and visitors and is totally handicapped accessible.

A variety of events are held each year in White Lake including arts and crafts fairs, fishing contests and festivals with food, music and entertainment. A 4th of July parade, the much-anticipated Cruz'n parade of 400-plus classic autos, antique wooden boat show, Taste of White Lake, local brewer's Fetch Fest and the White Lake Chamber Music Festival and a series of summer performances at the historic Howmet Theater all add to the summer fun. In Montague,

a weekly, free outdoor concert draws many to hear music of all types. A Saturday morning farmers market is a must to visit in the summer months for the freshest, locally grown produce, flowers and other goodies.

In October, Pumpkinfest headlines the event list. The infamous pumpkin roll down steep Dowling Street is followed by a giant pumpkin contest, bake sale and best pie contest, face painting, a craft fair and more to complete the day.

Across the way from the farmers market at the corner of Dowling and Water Streets in Montague stands the “World’s Tallest Weathervane.” It towers 48 feet tall and is topped with a 14-foot replica of the lumber schooner, the Ella Ellenwood, whose sails rotate with the wind. The 4,300 pound structure was built locally by Whitehall Products and is made of hand-formed aluminum.

According to historical accounts, the lumber schooner was sailing out of White Lake on October 1, 1901 and was headed to Milwaukee with a load of maple edgings and shingles. The Ellenwood ran aground some eight miles from the Milwaukee Harbor. It didn’t take long for the strong winds and waves to break the vessel apart, causing the captain and crew to abandon ship. The following spring, a portion of the nameplate, ELLENWOOD, was found inside the White Lake Channel. Somehow, the nameplate had found its way across Lake Michigan and into the narrow channel leading into White Lake. It had returned home. The nameplate and a scale model of the schooner can be found in the downstairs lobby of Montague City Hall.

THEATER, MUSIC AND FINE ARTS

The 103-year-old Howmet Playhouse resides in Whitehall. The 400-seat theater was built in 1916 and was acquired and renovated by the Blue Lake Fine Arts Camp in 1973 with the help of a local fund drive and participation of Whitehall’s largest employer, Howmet Castings (now Arconic). In 2006, the theater was transferred to the city. A massive fundraising effort about a decade later resulted in an overwhelming response from the community, and subsequent updates to the historic property included a new roof, handicapped-accessible restrooms, a large and enclosed foyer, newly paved parking lots and more. The renovated theater is slated to re-open in the summer of 2019.




Photo Credit: White Lake Chamber

For the past 30 plus years, The Arts Council of White Lake (ACWL) has provided numerous opportunities for area communities to view, listen to, create and learn from the arts. Their programs, scholarships, and grants reach thousands of people. The ACWL sponsors free, weekly, outdoor concerts throughout the summer at the Montague Bandshell, along with the popular Artisan Market the first Saturday of each month when the nearby Farmers Market is open.

(Continued on page 26)

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Before



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The *Magic* That Is *White Lake!*

(Continued from page 25)

WHERE DO WE GO FROM HERE?

White Lake, flanked by its charming sister cities of Montague and Whitehall, remains a magical locale with a rich history, enviable lakeshore lifestyle, small-town friendliness and values, with something for everyone.

Through Native American Indians to fur traders to settlers, they left their mark in creating a picturesque and vibrant Michigan sanctuary for generations to come.

WHAT WLA MEANS TO WHITE LAKE

The White Lake Association (WLA) was founded in 1988 in response to a proposed development on the northern end of White Lake, where it joins the White River. At the time, residents feared that the development would encroach on their Riparian rights.

As it turned out, according to one of WLA's founding members, the developer was, in fact, encroaching on riparian property and was tasked with removing two or three proposed docks for the marina that was being planned.

The founding members also were among the many White Lakers who were very concerned over the lake's deteriorating condition, causing it to be declared an Area of Concern on the Great Lakes under the Great Lakes Water



Photo Credit: White Lake Chamber

Quality Agreement in 1987. It was for this reason that WLA members began to regularly test the lake for contaminants.

Today, WLA continues to attract hundreds of concerned riparians and citizens who care deeply about White Lake. They actively support the various endeavors of the WLA to preserve the natural amenities of the lake, as well as the public trust.

WLA volunteers regularly perform tests for dissolved oxygen temperature and Secchi disk transparency through the CLMP program. They take water samples for chlorophyll and total phosphorus determinations, as do volunteers at some 300 other lakes across the state.

This monumental effort requires the commitment and dedication of hundreds of volunteers who regularly monitor indicators of water quality on their lakes, along with the professionals who interpret the data and make the results available to all of us.

MORE WLA ACTIVITIES

In addition to water testing, Muskegon Community College faculty, interns and WLA members rake the lake bottom to assess the health of the aquatic plant community and to look for invasive species. As with water quality results, the data are archived in the MiCorps Data Exchange.


WLA maintains the weather station and the webcam at the historic White River Light Station, which can be viewed “live” on WLA’s website. Volunteers also work with local Steelheaders to install and maintain the “no wake” buoys on the east and west ends of White Lake. Additionally, volunteers work to make boat launching convenient and safe at several locations.

In 2018, WLA partnered with the Sea Tow Foundation to introduce the first life jacket loaner station at a launch ramp in western Michigan. You can read more about this amazing

program in the summer issue of the Michigan Riparian magazine.

WLA also participates in the White Lake Area Chamber of Commerce’s annual Business Expo each March, which draws more than 1,000 people to view the dozens of exhibits featuring area and organizations and what they offer.

For more information on WLA, visit whitelakeassociation.org.

Credits: Many thanks to the following for their information to assist with this article: The city of Whitehall, the city of Montague, the White Lake Area Chamber of Commerce, the White Lake Historical Society, the White Lake Public Advisory Council, Dr. Tom Tissue, Dr. Paul Steen, the National Register of Historical Places, and others. 



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LOVE MY LAKE

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Editor's Note: A recent phone conversation with Evan Byrne's mom, Jennifer, updated us. Evan is now 18 and a senior in high school. Recalling her son's writing the essay brought back a joyful memory.

Eleven-year-old Evan Byrne, great-grandson of the recently departed Betty Olson, was assigned an essay in his Language Arts class. He was to write about a favorite quiet place. He received very little help from his mother (present tense vs. past tense; punctuation).


"It makes my heart so happy to know that he views his time and memories at the lake in the same way I always have," writes Evan's mom. "You and Grandpa decided to buy the cottage all those years ago. Who knew it would turn out to be such an important part of our family's history and something to pass on to the generations? It is a legacy, and we are so grateful to have it. Those precious memories are more about the family and the times we've had, rather than the actual place, but it would be different if we hadn't had a place to come to for all these years." (A note written to Evan's grandmother from Jennifer, Evan's mom.)

Silent Paddling

By Evan Byrne

Bright orange sunlight peaks over the trees and casts a glow on Bills Lake. Tired of sleeping, I get out of my soft sleeping bag and creep out of the camper. I walk down the hill to the lake's edge where our dock stretches 23 feet out into the water. At the very front of the dock (closest to the shore) is my orange paddle boat. I put on my life preserver, unhook the boat from the dock and push it out of the shallows before getting in. When I get in, I start to paddle. In the middle of the lake, I stop paddling and just drift for a while. A fish jumps to catch a mosquito. Both my reflection and the sun's become blurry as the ripples from the fish's jump scatter



across the water. Now, quiet, still water surrounds me, and I sit calmly in my boat thinking, wondering, waiting...for something. 



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Mystery Shipwreck Resurfaces

From the White Lake Beacon
December 16-22, 2018
By Greg Means/Beacon Editor

WHITEHALL – The remains of an 1800s schooner has made a rare appearance on the Lake Michigan shoreline at the White Lake Channel, and it has drawn the interest of the public and shipwreck researchers from near and far.

And, the identity of the wooden keel and ribs which appeared at the shoreline just outside of the south wall of the White Lake Channel is still in question.

The shipwreck, which has been buried under a sand dune at the shoreline, was recently unearthed by high Lake Michigan water levels and strong wave action which collapsed the dune. The remains have only been seen twice before, in 1942 and most recently in 1974, according to reports.

In 1974, the curator of the White River Light Station Museum, which located just hundred yards from the shipwreck, identified it as the L.C. Woodruff schooner which sank just outside the White Lake Channel in the fall of 1878. Eight crew members of the ship carrying corn, were rescued and two drowned. One of the crew died later from injuries.

Pete Caesar, the curator, wrote a book on the L.C. Woodruff, and questioned if the remains he saw were from that ship. He also removed a piece of the bow and relocated it on the lawn of the light station museum.

When the remains recently reappeared, it was assumed that they were from the Woodruff, but John Hanson of Montague, a diver, and president of the West Michigan Underwater Preserve, was convinced it was a different ship, but he isn't convinced there is enough evidence to name the remains.

"Without a name plate (from the ship) or evidence of its cargo it's hard to identify it," Hanson said.

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2 Sections, 18 Pages

Mystery shipwreck resurfaces

First thought to be the remains of the ill-fated L.C. Woodruff schooner which sank off of the White Lake channel in 1878, the wreckage which in recent days resurfaced for the third time as a result of high Lake Michigan waters and waves which have carved into the sand bluff at the shoreline.

By Greg Means
Beacon Editor

WHITEHALL – The remains of an 1800s schooner has made a rare appearance on the Lake Michigan shoreline at the White Lake Channel, and it has drawn the interest of the public and shipwreck researchers from near and far.

And, the identity of the wooden keel and ribs which appeared at the shoreline just outside of the south wall of the White Lake Channel is still in question.

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When the remains recently reappeared, it was assumed that they were from the Woodruff, but John Hanson of Montague, a diver, and president of the West Michigan Underwater Preserve, was convinced it was a different ship, but he isn't convinced there is enough evidence to name the remains.

"Without a name plate (from the ship) or evidence of its cargo it's hard to identify it," Hanson said.

Hanson believes he may have found the remains of the Woodruff seven years ago along the shore of Lake Michigan north of the channel.

Hanson said the original reports of the Woodruff sinking had the schooner heading into shore at the channel in a northerly direction.

Hanson described the location of the wreck he discovered in the water at the Lake Michigan shoreline. Hanson said the remains are consistent with the length of the 170-foot Woodruff's hull, but he said that isn't enough evidence to make a certain identification.

The Montague man said several ships sank near the channel in the 1800s during the lumbering era. Hanson said he took measurements and photographs of the most recent discovery by the channel search Association (MSRA) has also taken measurements at the site, and has concluded it is the remains of the 124-foot schooner Content which sank in 1882.

But Hanson said there wasn't enough documentation available to make certain identity of the old shipwreck.

"My research shows the Content was pulled off the channel in the 1800s," Hanson wrote in an email to the White Lake Beacon. "Maritime records are so difficult and misleading sometimes. Depends on who recorded it and where they got their info. The wonderful thing about all of this is the average person gets to see, touch, experience our maritime history."

Wreck, page 3a

Senate-passed deregulation bill could harm Michigan wetlands

By Jared Leatzow
Beacon Staff Writer

MUSKEGON COUNTY – On Tuesday, Dec. 12, Michigan Senate and House approved a controversial bill that could deregulate Michigan wetlands and lakes.

Proposed by Republican Senator Tom Carper, Senate Bill 1211, passed 23-14 and will now head to the Michigan House. If passed there the bill would then go to go before Gov. Rick Snyder for his signature.

Senator Geoff Hansen, R-Hart, voted in favor of Bill 1211.

That was voted on changed the definition of what is a process of wetland and lake. Originally, those bodies of water had to be more than five acres in size, but that number has since increased. According to the bill, wetlands and lakes must be greater than 10 acres.

This could potentially impact as many as 70,000 wetlands in city landfills. They are located along the lake trail.

On Wednesday, Dec. 12, the wetlands bill was revised again this time broadening the definition of lakes, streams and wetlands, and putting the bill more in line with the federal definition. According to Assistant Director Kimberly Fish, Michigan Department of Environmental Quality (MDEQ) Water Wetlands, page 3a

One of the things the bill would do is remove permitting requirements for property owners who build dredge and fill wetlands.

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At its Dec. 4 meeting the township board approved an ordinance banning all marijuana of the township.

But, all board members didn't agree.

Township Treasurer Joanne Hance banned marijuana establishments because she believes that would go against the wishes of the electorate which passed Proposal 1 in November.

Ban, page 3a

Grant Twp. bans pot facilities

By Greg Means
Beacon Editor

GRANT TWP. – The first of several surrounding local governments who have banned adult marijuana facilities.

At its Dec. 4 meeting the township board approved an ordinance banning all marijuana of the township.

But, all board members didn't agree.

Township Treasurer Joanne Hance banned marijuana establishments because she believes that would go against the wishes of the electorate which passed Proposal 1 in November.

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Hanson believes he may have found the remains of the Woodruff seven years ago along the shore of Lake Michigan north of the channel.

Hanson said the original reports of the Woodruff sinking had the schooner heading into shore at the channel in a northerly direction.

(Continued on page 30)

Mystery Shipwreck Resurfaces

(Continued from page 29)

"It's about a half mile north of the channel," Hanson described the location of the wreck he discovered in the water at the Lake Michigan shoreline. Hanson said the remains are consistent with the length of the 170-foot Woodruff's hull, but he said that isn't enough evidence to make a certain identification.

The Montague man said several ships sank near the channel in the 1800s during the lumbering era when the current channel was built in 1877. The old channel is located north of the current channel.

Hanson said he took measurements and photographs of the most recent discovered by the channel on Saturday, Dec. 8. The Michigan Shipwreck Research Association (MSRA) has also taken measurements at the site, and has concluded it is the remains of the 124-foot schooner Contest which beached by the channel in 1882.


But Hanson said there wasn't enough documentation available to make certain identity of the old shipwrecks.

"My research shows the Contest was pulled off and became a lumber scow," Hanson wrote in an email to the White Lake Beacon. "Maritime records are so difficult and misleading

sometimes. Depends on who recorded it and where they got their info at the time. MSRA may or may not be right, as I.

"The wonderful thing about all of this is the average person gets to see, touch, experience our maritime history and be a part of it. Something us divers are usually only able to experience. I would like to think this wreck, in my research, is the Telegraph. Place of loss is good and dimensions are very close. Built at Ferry Mill Point for William Montague Ferry for lumbering whose son, Noah, named our town (Montague) after his dad. But in the end...no one really knows absolutely"

Hanson's main concern is that this shipwreck and others are preserved and not harmed by humans. "It is illegal to remove portions of the shipwreck or other shipwrecks," he said.

By the end of last week the wave action began burying the remains once more. 

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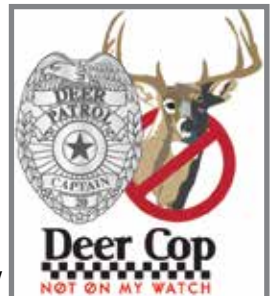
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Lake Parks – A Disappointing Court Decision

By Clifford H. Bloom, Esq.

Bloom Sluggett, PC | Grand Rapids, Michigan

www.bloomsluggett.com

Many of the old plats and subdivisions around lakes throughout Michigan contain dedicated parks. Sometimes those parks appear to be like lakefront lots, while at other times such parks are dedicated as fairly narrow strips of land located between the lake and the first tier of lots (so-called “Park Strips”). For many decades, real estate legal experts have generally been of the opinion that where a relatively narrow strip of land that is dedicated as a park in a plat is located between the lake and the first tier of platted lots (with no intervening land shown between the lake and the park), the first tier lots are riparian or waterfront subject to an easement for a park. That opinion was seemingly confirmed by the Michigan Court of Appeals in the published decision over 20 years ago in *Dobie v Morrison*, 227 Mich App 536 (1998). And, for many years, most realtors, property owners, legal experts and the real estate market have simply assumed that the lots which adjoin such Park Strips are riparian or waterfront. That belief was seemingly validated under similar circumstances for parallel roads at lakes (*2000 Baum Family Trust v Babel*, 488 Mich 136, decided in 2010), for parallel walkways (*Thies v Howland*, 424 Mich 282, decided in 1985), for parallel lakeways (*Bedford v Rogers*, unpublished opinion per curiam of the Court of Appeals, issued April 17, 2012; Docket No. 299783), for parks and beaches (*Magician Lake Homeowners Ass’n, Inc v Keeler Twp Bd of Trustees*, unpublished opinion per curiam of the Court of Appeals, issued July 31, 2008; Docket No. 278469), for parallel parks and perpendicular walkways (*Morse v Colitti*, 317 Mich App 526, decided in 2016), for parallel beaches (*Sullivan v Tillman*, unpublished opinion per curiam of the Court of Appeals, issued June 2, 2009; Docket No. 285195) and again for parallel beaches (*Wojcik v Ficaj*, unpublished opinion per curiam of the Court of Appeals, issued April 14, 2011; Docket No. 295850).

There are no exact figures available from any definitive source, but it appears that there are thousands of first tier lots along Park Strips at lakes throughout Michigan. It is conceivable that the number of such lots might even exceed 10,000.

On January 10, 2019, the Michigan Court of Appeals issued its unpublished decision in *Virginia Park Subdivision Association v Brown, et al.* (Case Nos. 339762 and 339808; 2019 WL 165627), which will likely smash the long-held conventional belief that most first tier lots adjacent to Park Strips are riparian. In *Virginia Park Subdivision Association*, the Court of Appeals held that the *Dobie v Morrison* case was narrowly decided (due to unique facts and circumstances) and does not generally apply to all Park Strips. The Court indicated that the first tier lots along Park Strips are generally not riparian or waterfront, but merely share a common easement in the Park Strip with off-lake or backlot property owners. Unfortunately, the Court of Appeals did not indicate which party or parties actually own the property underlying the Park Strip easement in *Virginia Park Subdivision Association*. Based on the Court’s reasoning in the case, however, it is likely that the Court considers the original developer or platlor (or their heirs) to be the owner or owners of the land underlying the Park Strip easement.

The Michigan Lake Stewardship Associations (“MLSA”) submitted an amicus curiae brief in the *Virginia Park Subdivision Association* case in favor of the first tier lot owners. While MLSA respectfully disagrees with the January 10 decision by the Court of Appeals in the case, MLSA does appreciate having been given the chance to file an amicus brief and the fact that the Court carefully considered MLSA’s arguments in favor of the first tier lot owners.

The first tier lot owners are attempting to further appeal the case to the Michigan Supreme Court. Given that the decision will undoubtedly have significant statewide real estate impacts, this is a case whereby hopefully the Michigan Supreme Court will accept the appeal and reverse the Court of Appeals' decision.

Among all of the various areas of the law in Michigan, certainty in real estate law is very important. Longstanding property rights should not be extinguished, changed or increased absent overwhelming reasons. The Michigan Supreme Court said it best in *2000 Baum Family Trust v Babel* when it stated:

In approaching any case, “[s]tare decisis is the preferred course because it promotes the evenhanded, predictable, and consistent development of legal principles, fosters reliance on judicial decisions, and contributes to the actual and perceived integrity of the judicial process.” *Payne v. Tenn.*, 501 U.S. 808, 827, 111 S.Ct. 2597, 115 L.Ed.2d 720 (1991). However, if there is any realm within which the values served by stare decisis—stability, predictability, and continuity—must be most certainly maintained, it must be within the realm of property law. For this reason, “[t]his Court has previously declared that stare decisis is to be strictly observed where past decisions establish ‘rules of property’ that induce extensive reliance.” *Bott v. Natural Resources Comm.*, 415 Mich. 45, 77–78, 327 N.W.2d 838 (1982), citing *Lewis v. Sheldon*, 103 Mich. 102, 61 N.W. 269 (1894); *Hilt*, 252 Mich. at 198, 233 N.W. 159. As we explained in *Bott*:

The justification for this rule is not to be found in rigid fidelity to precedent, but conscience. The judiciary must accept responsibility for its actions. Judicial “rules of property” create value, and the passage of time induces a belief in their stability that generates commitments of human energy and capital. [*Bott*, 415 Mich. at 78, 327 N.W.2d 838.]

We need not expound on this principle, but we nonetheless remain mindful of the respect due to judicial rules of property as we decide this case. *2000 Baum Family Trust* at pp 171-172.

MLSA stated in its amicus curiae brief to the Michigan Court of Appeals in *Virginia Park Subdivision Association* as follows:

"In the end, this Court will determine whether thousands of lots (if not more) in plats throughout Michigan adjacent to a platted dedicated park strip along a lake are riparian or mere non-riparian backlots. If this Court holds that such lots and parcels are not riparian, it will disrupt the reasonable and investment-backed actions and expectations of thousands of property owners over many years throughout Michigan. Such an appellate decision would dramatically devalue those lots and parcels. It would disrupt the real estate market in many areas with lakes throughout Michigan. It would also lead to significant clashes among various backlot property owners, as it would not be clear how land within small common lakefront areas could be allocated for purposes of dockage and boat mooring. Thankfully, the Michigan Supreme Court avoided such disruptions with its decision on platted dedicated parallel roads at lakes in *2000 Baum Family Trust*, 488 Mich 136, as the Supreme Court also did earlier in *Thies*, 424 Mich 282, with regard to dedicated walkways that run parallel along the shore of lakes in Michigan.

* * *

There are few areas of the law where the need for certainty is more important than real property matters. The need for certainty, clarity and easily understandable rules are essential to real property law. That is particularly true in a situation such as this where dedicated park strips are present in numerous plats at lakes throughout Michigan.

By all outward accounts, the area of the law regarding dedicated platted park strips at lakes has been well-settled for at least 30 years or even longer. Based on such case law, most people who are knowledgeable about this area have long believed that where lots in a platted subdivision are separated from a lake (or the shore of a lake) by a dedicated park strip running parallel to the lake and the park was created by the plat, the first tier of lots are deemed to be riparian, subject only to the easement rights of the public or lot owners for park use.

Thousands of such first tier properties at lakes throughout Michigan have long been understood to be riparian properties in such park strip situations, with corresponding private rights of dockage, boat moorage, boat hoists, swim rafts, and similar items and rights of

(Continued on page 34)

Lake Parks – a Disappointing Court Decision


usage for the first tier lot owners. Those rights have long been reflected in the real estate market, with such first tier properties being bought and sold for premium prices due to their assumed waterfront and riparian status. Local tax assessments and municipal tax collections for such first tier lots are higher due to the long-believed riparian or waterfront status of such first tier lots. Long-term investments have been made based on the reasonably-assumed lakefront status of those properties, as have expenditures for boats, dockage, shore stations, and similar items.

What would the statewide impact be if the owners of the numerous first tier lots on lakes throughout Michigan were suddenly told that their properties are not riparian or waterfront? What would their reasonable reactions be when they are confronted with a situation whereby there are no longer riparian property owners of waterfront property, but also awaken to the fact that backlot property owners or even members of the general public (depending on whether a private or public park dedication is involved) may install docks, boat hoists, and swim rafts, and permanently moor boats along the lake frontage in front of their first tier lots? Not only would an appellate court decision seemingly overturning *Dobie* destroy the absolutely reasonable distinct investment-backed expectations of all the first tier lot property owners on many lakes throughout Michigan and spark anger and frustration of a magnitude which is almost unthinkable, but there would be many other negative consequences as well. Overturning a long-assumed, widely-held property right would have many far reaching consequences – both intended and unintended, foreseen and unforeseen."

The *Virginia Park Subdivision Association* case is not entirely finished even absent a successful appeal to the Michigan Supreme Court, as the Court of Appeals remanded the case back to the Oakland County Circuit Court to determine how both the first tier lot owners and the backlot owners can use the Park Strip. The trial court would have to answer questions like who (if anyone) can have docks and boat hoists on the park, whose and how many boats can be

moored seasonally or overnight, which parties can leave lounge chairs on the beach and similar matters.

If the decision by the Court of Appeals is not reversed, it will likely breed extensive (and expansive) new litigation throughout Michigan. Undoubtedly, many first tier lot owners and backlot owners would be pressed to litigate whether their particular situation falls under *Dobie v Morrison* or the *Virginia Park Subdivision Association* case. If a given Park Strip was dedicated on the plat to lot owners within the plat only (i.e. a private park is involved) and should the *Virginia Park Subdivision Association* case apply to a particular situation, the first tier lot owners will likely assert claims based on adverse possession or prescriptive easement if they have exclusively utilized dockage and boat moorage for 15 years or more at the Park Strip. If a Park Strip was dedicated to the public (i.e. a public park is involved), it is unclear whether first tier lot owners could assert ownership of the Park Strip in front of them by adverse possession or claim exclusive dock and boat moorage rights based upon a prescriptive easement claim.

What if *Virginia Park Subdivision Association* becomes the new widely-accepted law for most Park Strips at lakes throughout Michigan? Unfortunately, there could be many worst case scenarios. For example, will the value of first tier lots along Park Strips throughout Michigan now plummet in the real estate market? Will first tier lot owners be able to have their property taxes lowered (and potentially receive tax refunds for certain past years) due to the property no longer being waterfront or riparian? Will the purchasers of such lots sue sellers, realtors and real estate brokers for misrepresentation? Will buyers with pending purchase agreements for such lots be able to rescind them due to a mutual mistake of fact (i.e. the fact that both the seller and the buyer believed the property to be lakefront or waterfront)? Of course, relevant statute of limitations could prevent some mistake, misrepresentation or fraud claims. The negative impacts that could occur to both the real estate market and property owners as to Park Strips due to the *Virginia Park Subdivision Association* decision could be staggering. 

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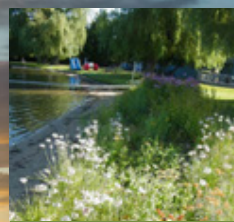
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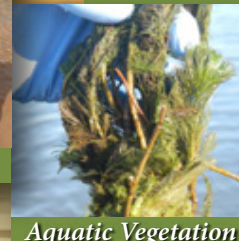
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