

Spring
2020

Designed and published
for stream and lakefront
property owners and
enthusiasts.



Vol. 55 No. 2

THE MICHIGAN RIPARIAN

www.mi-riparian.org

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



Photo Credit: Keizer Family

GREEN LAKE

■ WATER & RIPARIAN LAW ■

CAREY & JASKOWSKI

Attorneys at Law

A Professional Limited Liability Company

2373 S. I-75 Business Loop
Grayling, MI 49738
(989) 348-5232

www.carey-jaskowski.com

Advocates for lakefront property
owners and lake associations
throughout the state.

Representation on road end abuse, zoning,
plat vacations, and MDNRE permitting.

Any law firm can claim they know
riparian law. Ask to see their resume.
See our published cases at
www.carey-jaskowski.com

Water Resources

Progressive AE's water resource specialists have helped communities across Michigan develop workable solutions to complex lake and watershed management problems.

Services:

- Aquatic vegetation surveys
- Dam safety inspections
- Geographic information system analyses
- Hydro-acoustic mapping
- Lake and watershed management plans
- Legal lake level studies and proceedings
- Limnological evaluations and diagnostic-feasibility studies
- Online information and outreach
- Project organization and financing assistance
- Water quality monitoring

progressive|ae

progressiveae.com/water-resources

Preserving Our Lakes Today for Our Generations Tomorrow



Serving Michigan Since 1995



3088 Hottis Rd. Hale, MI 48739

All Of Your Lake & Pond Needs

Lake & Pond Management 🌿 Aquatic Weed & Algae Control 🌿 Aquatic Weed Harvesting
Biological Weed Control 🌿 Lake & Pond Dredging 🌿 Custom Aeration Systems
Water Quality Consulting 🌿 Decorative Fountains 🌿 Licensed, Insured & Bonded

For More Information Call Toll Free: 1-877-SAV-LAKE (728-5253)

www.LakeAndPond.com

The Michigan Riparian (ISSN 0279-2524) is published quarterly for \$6.25 per issue by the Michigan Lakes & Streams Association, Inc. a Michigan non-profit corporation. Non-profit postage is paid at Lansing, Michigan and additional mailing offices.

Postmaster:
Send address changes to:
The Michigan Riparian
PO Box 19615 Kalamazoo, MI 49019

The Michigan Riparian is the only magazine devoted exclusively to the protection, preservation and improvement of Michigan waters and to the rights of riparian owners to enjoy their water-front property.

The Michigan Riparian magazine is published quarterly and is mailed to subscribers in the Spring, Summer, Fall and Winter each year.

The Michigan Riparian PUBLISHING OFFICE

PO Box 19615

Kalamazoo, MI 49019

PUBLISHER: Sharon Wagner

Phone: 989-831-5100

E-mail: swagner@mlswa.org

SUBSCRIPTION RATES (4 issues/year)

Individual annual subscription: \$25

Lake association quantity subscriptions: \$14

ADVERTISING RATES

Advertising rates sent upon request or available on website.

Deadlines: February 15 for Spring issue

May 15 for Summer issue

August 15 for Fall issue

November 15 for Winter issue

Printed by Spartan Printing, Lansing, Michigan

The Michigan Lakes & Streams Association, Inc., (collectively, "MLSA") is not responsible for any of the views or opinions expressed by the advertisers or writers in this magazine. While *The Michigan Riparian* has not intentionally printed incorrect material or admissions, the contents are nevertheless the responsibility of the parties furnishing materials for this magazine. The accuracy of information is subject to information known to us at the printing deadline. We apologize for any errors.

No maps, illustrations, articles or other portions of this magazine may be reproduced or copied in any form or format without the prior written permission from MLSA. Copying, distribution or modifications of or to any material or information contained on this site, in any form, is strictly prohibited unless with the prior written permission of MLSA.

The information provided in this magazine is for informational purposes only and does not constitute the giving or offering of legal, accounting, engineering, technical or other professional advice or counsel. Although MLSA strives to be accurate, errors do occasionally occur. This magazine is not a substitute for legal, engineering, accounting or other professional advice. Using or reading this magazine does not create an attorney-client relationship or other professional-client relationship.

This magazine is provided on an "AS IS" basis and as such, may contain inaccuracies or errors. MLSA does not warrant the accuracy or completeness of this magazine or anything herein. MLSA expressly disclaims all warranties, express or implied or statutory, of any kind. This magazine may be incorrect, out of date, inaccurate for any particular matter and may contain errors, problems, defects or other limitations. The same applies to any other sources or links mentioned herein. For legal, engineering, accounting or other professional advice, consult your own attorney, accountant, engineer or other professional. By using this magazine, the reader agrees to accept and abide by the above. If the reader does not so agree to accept and abide by the above, the reader should not use this magazine (or any information or links herein). Copyright © 2019 by the Michigan Lakes & Streams Association, Inc.

FROM THE PUBLISHER



MLSA AND THE MICHIGAN RIPARIAN WORKING FOR YOU

Have you ever wondered how and where the stories and articles come from for *The Michigan Riparian* magazine? Would you be surprised to learn the source and inspiration for the variety of topics are our readers? How does that happen? Our readers are in constant communication with our riparian editorial committee, publisher, and the MLSA board via emails, phone calls, letters and meetings taking place throughout the state.

MLSA prides itself in connecting with its members through their e-newsletter, hosting an annual conference and various meetings brimming with experts addressing topics most important to riparians. Environmental concerns for water and land are addressed via experts in legislative and scientific matters throughout each issue of the Riparian magazine. Cliff Bloom, Riparian Attorney and MLSA Executive Director Melissa DeSimone, and the entire Riparian team are routinely in communication with lake associations and have their "ears to the ground" listening to the issues directly affecting waterfront property owners.

Topics related to PFAS, the Straits of Mackinac pipeline, invasive aquatic species, changes in the former MDEQ, road end laws and wake boat issues are samples of the topics addressed in your magazine. The "Ask the Experts" column is another vehicle for riparians to have their questions answered by experts in their respective fields. The goal of the magazine is to present information that is current, entertaining, interesting and important to you. We do this by including a variety of legal, scientific, current and personal interest stories in each issue of the magazine.

Our stories about the lakes around the state that provide insights about their histories, challenges, solutions and sometimes zany characters are contributed both by seasoned authors and by those who consider themselves to be amateur writers. Many of the "Love My Lake" and "Lake Happenings" features come to us from those who want to share information/stories with their like-minded waterfront property owners.

So... there you have it and now you know. Your interests and issues are the reasons we're here. We encourage you to join MLSA if you have not already. Attend MLSA's annual conference each spring and make sure you receive your copy of the MLSA e-newsletter. Keep sending us your stories, pictures and questions. We love hearing from you.

Editor, Carol McVicker

cbmcvic@gmail.com

(989) 831-5100

Publisher, Sharon Wagner

Send your information to:

PO Box 19615 Kalamazoo, MI 49019

(989) 831-5100

swagner@mlswa.org

CONTENTS

- 5** MLSA Conference Cancelled!
New Initiatives Kicked Off
- 7** Attorney Writes:
Who Owns the Water in Michigan Lakes?
- 8** Towards a More Sustainable Lake
- 11** Lake Happenings:
Free Fishing Weekend
- 14** Ask The Experts:
Is there a Cooperative Lakes Monitoring
Program (CLMP) for 2020?
- 16** Cover Story:
Green Lake (Caledonia)
- 24** Trespass or Not?
- 27** Love My Lake:
Great Times, Great Memories —
A History of Green and Round Lakes
(Caledonia)
- 30** Cliff Bloom:
Several Interesting Michigan Court of
Appeals Decisions Regarding Standing,
Injunctions, Deed Restrictions and
Easements



www.mylsa.org



www.mi-riparian.org

DIRECTORS

Executive Director- Melissa DeSimone

4342 Bronson Blvd.
Kalamazoo, MI 49008
melissa.desimone@mlswa.org

Jennifer L. Jermalowicz-Jones

18406 West Spring Lake Rd.
Spring Lake, MI 49456
jenniferj@restorativelakesciences.com

Mark L. Teicher

6245 Wellesley Dr.
West Bloomfield, MI 48322
marklteicher@aol.com

Lon Nordeen

11268 Hieber Rd.
Manchester, MI 48158
lonnord@aol.com

Fred Denman

2143 Lake Dr.
Fairview, MI 48621
Duxnaro@gmail.com

Paul Sniadecki

23949 N. Shore Dr.
Edwardsburg, MI 49112
paul.sniadecki@mlswa.org

OFFICERS

PRESIDENT - David Maturen

11911 Lee Mar Dr.
Vicksburg, MI 49097
maturenappraisal@aol.com

VICE PRESIDENT - John Wilks

11898 Highview Shores
Vicksburg, MI 49097
johnwwilks@aol.com

SECRETARY - Nancy Beckwith

264 Paris SE
Grand Rapids, MI 49503
lbeckwi@sbcglobal.net

TREASURER - Mike Gallagher

10670 Wildwood Dr.
Richland, MI 49083
mike.gallagher@mlswa.org



MLSA Conference Cancelled! New Initiatives Kick Off!

Dear Michigan Lakes and Streams Association Members and Sponsors:

Thank you so much for your initial outpouring of support for the MLSA 59th Annual Conference: Protecting Michigan's Lakes and Streams. It is with regret that Michigan Lakes and Streams Association has had to cancel our conference at Crystal Mountain Resort for 2020. The current COVID-19 pandemic and increasing health measures put forth by Michigan Governor Gretchen Whitmer, as well as the recommendations of the Centers for Disease Control, require us to put the health of all participants first. We look forward to a resolved health situation and a very successful conference at Crystal Mountain Resort in Thompsonville, Michigan on Friday, April 29 - Saturday, May 1, 2021.

All conference registrations have been fully refunded, and we are working with sponsors about other partnership opportunities. Crystal Mountain Resort has cancelled all room reservations for our group, but please feel free to give them a call to confirm your cancellation.

The Michigan Lakes and Streams Association, Inc. is a non-profit, state-wide organization dedicated to the preservation, protection and wise management of Michigan's vast treasure of inland lakes. Michigan Lakes and Streams Association, Inc. (MLSA) is a 501(c)3 non-profit corporation made up of organizations, corporations, associations, and individuals who share our goal of preserving and protecting Michigan's vast heritage of freshwater resources.

A primary goal of MLSA is to educate and assist lake associations, as well as individual riparian property owners, in water-resource-friendly techniques and methods of protecting their investment in waterfront property. That is why the annual MLSA Conference is such an important event. Last year in 2019 our conference was kicked off by a welcome from Governor Whitmer and brought together more than 250 attendees to talk with several dozen presenters, more than 40 exhibitors and the press to highlight and discuss a wide range of lake protection concepts and education for our members.

MLSA is committed to bringing people together for the good of our lakes and streams and, so, to help boost everyone's morale during this time of quarantine, we have an exciting alternate conference experience planned. In lieu of the conference, MLSA is hosting a series of weekly webinars presented by some of the speakers who were scheduled for the MLSA May 2020 conference, thus, bringing the conference to you. The format will include several educational sessions presented by state agency officials and other experts originally planned for the May conference covering a wide range of lake protection and conservation topics. Please check our website (www.mymlsa.org) and newsletter for dates and times of upcoming webinars. We also are issuing a special summer edition of *The Michigan Riparian* magazine covering many of the important topics and issues we are unable to provide for you in a face-to-face setting of our conference.

I encourage you to join us for monthly zoom meetings throughout the year, to subscribe to our newsletters which provide a wide range of lake protection technology and discussion of other issues such as political developments. MLSA interacts with elected and appointed officials and state agencies to provide educational information and advocate for lake friendly policies and concepts. Many of those participants will continue to work with us to provide you with relevant lake information and insights.

(Continued on page 6)



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

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

The new guide book may be purchased by visiting the Books and Publications purchase page on the MLSA website available at www.mymlsa.org, or by contacting Melissa DeSimone at melissa.desimone@mlswa.org.

Purchase it now for \$20 shipping included

_____/_____/_____/_____

\$ _____

Exp. _____



Name (please print): _____

Address: _____

Street or P.O. Box Number _____

City _____

State _____ Zip Code _____

Email address: _____

Telephone number: _____

Mail Check or credit card order to:
MLSA
PO Box 19615
Kalamazoo, MI 49019

MLSA Conference Cancelled! New Initiatives Kick Off!

(Continued from page 5)

Michigan Lakes and Streams Association, Inc. is a collaborative organization that is an active partner in the Michigan Inland Lakes Partnership, the Michigan Natural Shoreline Partnership, the Michigan Clean Water Corps, and Michigan Environmental Council, in addition to other organizations around the state. We worked with Michigan State University and the Huron River Watershed Council to provide a lake monitoring option for the 2020 season and helped to restore the Cooperative Lakes Monitoring Program for 2021 and beyond. We are involved in the 2020 Michigan Inland Lakes Convention to be held September 17-18, in Grand Rapids, Michigan; and we invite you to attend.

Also, an important part of the MLSA mission, and my role as executive director is to make sure we work closely with conservation and water protection groups with similar goals and objectives. We initiated participation by leaders in MI DNR, EGLE, and groups such as the Sierra Club, Michigan United Conservation Council and others at the 2020 conference. We plan on continuing this outreach and the cooperative efforts for future conferences, regional opportunities, newsletters and through *The Michigan Riparian* magazine.

Membership in Michigan Lakes and Streams Association, Inc., is open to all individuals, lakes or watershed associations, organizations, or corporations who share our interest in preserving the high quality of Michigan's inland lakes for future generations. We want and need your membership, support, ideas, advocacy and assistance to help protect Michigan's inland lakes and streams.

Please feel free to reach out to discuss any of these issues and options. I will also be sending additional information on the new webinar series to you soon. Everyone is invited to participate in these free education webinars. As great stewards of our inland waters and environment, we want to also protect "you". Stay safe! Stay healthy! 🍷

Thank you!
Melissa DeSimone, Executive Director
Michigan Lakes and Streams Association, mymlsa.org
melissa.desimone@mlswa.org, (989)831-5100 x101

Who Owns the Water in Michigan Lakes?

Who owns the waters of Michigan lakes? In general, it is collectively owned by the people of the State of Michigan.

Overall, there are two types of inland lakes in Michigan – private and public lakes. A private inland lake generally has no public access site or public properties thereon. All of the shoreline of a private lake is owned by private riparian property owners. Lots or parcels on a private lake also typically extend under the lake bottomlands to the center of the lake. See *Hall v Wantz*, 336 Mich 112 (1953); *Gregory v LaFaive*, 172 Mich App 354 (1988); and *West Michigan Dock & Market Corp v Lakeland Investment*, 210 Mich App 505 (1995).

“Who owns the waters of Michigan lakes? In general, it is collectively owned by the people of the State of Michigan.”

Public inland lakes are usually defined as lakes with either a public access site or public properties along the shore. Lots and parcels fronting on a public lake also typically extend under the lake bottomlands to the center of the lake.


Regardless of whether an inland lake in Michigan is public or private, courts have generally held that the waters of such lakes are owned collectively by the people in the State of Michigan and are generally held in trust for them. See *Bott v Natural Resources Commission*, 415 Mich 45, 71 (1982). Of course, on a private lake, members of the public and governments cannot generally access the lake, such that they cannot use the waters of an inland private lake. Such waters are typically reserved exclusively for the use of the private riparian property owners around the lake. Those riparian property owners can use the waters of the lake for recreation (i.e., boating, swimming, etc.), fishing, waterfowl hunting

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



and drawing reasonable amounts of water for irrigation, dwellings, and consumption. See *Thies v Howland*, 424 Mich 282 (1985); *Burt v Munger*, 314 Mich 659 (1946); *Hilt v Weber* 252 Mich 198 (1930); *Pierce v Riley*, 81 Mich App 39 (1978); *Sewers v Hacklander*, 219 Mich 143 (1922); and *Hall v Alford*, 114 Mich 165 (1897). Riparian property owners on public lakes can use lake waters for the same uses and purposes. Members of the public can use the waters of a public lake for recreation if they can lawfully access the public lake.

Generally, fish in the waters of inland lakes are also deemed to be collectively owned by the people of the State of Michigan, whether a private or public lake is involved. See MCL 324.47301; *People v Soule*, 238 Mich 130 (1927); and *Aikens v Conservation Department*, 28 Mich App 181 (1970) reversed on other grounds 387 Mich 495 (1972).

Some people believe that there must be a public access site on every inland lake in Michigan, as the people of the State of Michigan own the lake waters. That is incorrect. There is no legal requirement that every inland lake in Michigan have a public access site or property. On private lakes, although the people of the State of Michigan collectively own the lake water and fish therein, neither members of the public nor governmental units have a right to access a private lake to utilize those water resources absent a public access site or public lake frontage access property. 

LAGGIS FISH FARM INC.

08988 35th Street
Gobles, Michigan 49055
– in business since 1979 –
Work Phone • Daytime
269•628•2056

Residence Phone • Evenings
269•624•6215

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

Towards a More Sustainable Lake

Dr. Jennifer L. Jermalowicz-Jones
Science Advisory Chair, MLSA

WHAT IS A SUSTAINABLE LAKE?

The technical definition for sustainability is: “to be maintained at a certain rate or level”. This definition is crucial for determining long-term lake health. Inland water resources will continue to face development pressures as it is projected that by 2030 there will be nearly 5 billion people residing in urban centers (United Nations Population Fund, 2007). Unfortunately, a large lake size is preferred by most riparians for recreational and visual benefits (Smith and Mulamootil, 1979), and it is these systems that can accommodate the most development (Schnaiberg et al., 2002) and also possess the greatest probability for pollutant and invasive species entry (Figure 1). Ultimately, both the aquatic ecosystem and the riparian community are harmed, as degradations in water quality also result in a loss of property values (Michael et al. 1996, among many others). While it is possible that a lake could be maintained at a sub-optimal level, such a state is not preferred by most lake riparians and could compromise the trophic status of an inland lake (Figure 2).

A sustainable lake ecosystem should ideally have the following characteristics:

1. Minimum dependence on humankind for maintenance to continue to thrive in a balanced, long-standing state, and
2. Resilience—which is the ability of the lake to “bounce back” or recover after a significant disturbance (e.g., pollution, invasive species, algal blooms, etc.), and
3. Remain as close to its original state as possible.

Donald Kennedy (2003, Science magazine editorial comment) previously stated that sustainable ecosystem management is dependent upon the ability of scientific facts to overcome socio-economic and political resistance. This argues for lake management methods to be supported by the scientific



Figure 1. A sustainable, balanced lake ecosystem.



Figure 2. An unsustainable, imbalanced lake ecosystem.

community. It is possible that some methods may be utilized by lake managers but not extensively studied in a research setting. Such methods should be supported as long as existing data/results are strong and the riparian community supports use of the method(s). This is especially important because lake degradation issues are evolving more rapidly than research capacity and needs to correct these issues are imminent.

A thorough understanding of the lake problem and its relationship to society and water resources is critical for the advancement of sustainable governance policies. Furthermore, a sustainable approach to these problems should consider a balance of lake usage with the protection of lakes (Carpenter and Lathrop, 1999). It is even more important for the lake community to not be too dependent on legislative action(s) since such proposals take considerable time to pass and are often followed by lack of enforcement. Significant improvements to legislation are needed globally to effectively address anthropogenic (man-made) impacts and

(Continued on page 9)

other stressors on water resources, especially in reference to agricultural areas where the primary goal of land use is for yield production and not necessarily for water resource protection and recreation. Around the globe, many lakes are experiencing blue-green algal blooms due to nutrient loading from agricultural and urban runoff.

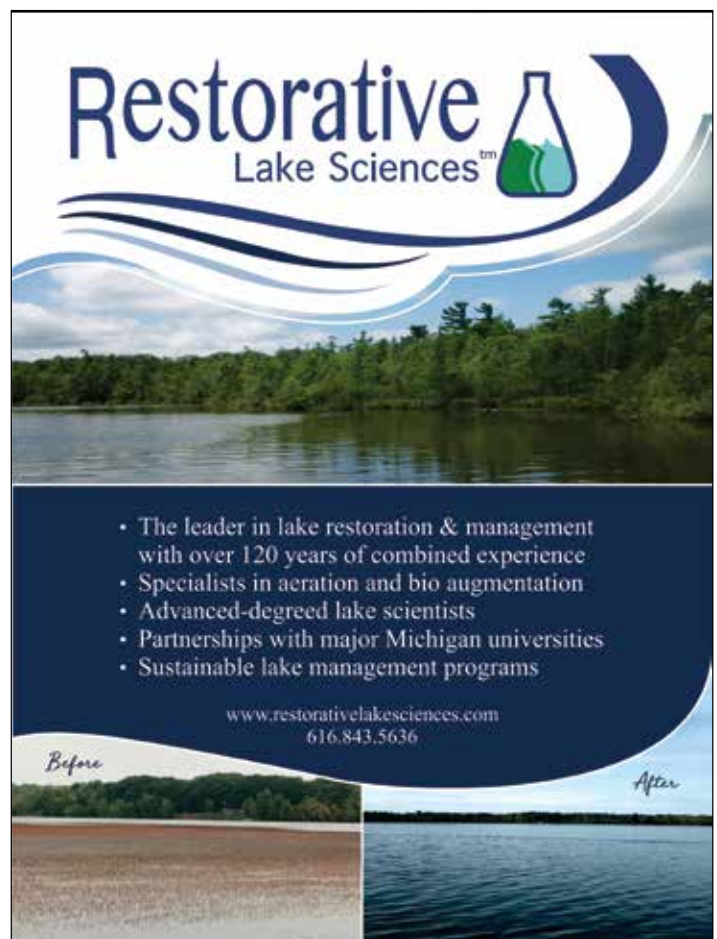
SOME RECOMMENDATIONS FOR A SUSTAINABLE LAKE MANAGEMENT PROGRAM

If the model proposed by Feeny et al. (1990) is followed, sustainability of any lake improvement program must include both human and resource valuation which are not mutually exclusive. Furthermore, the socio-political structure of the riparian community that utilizes a resource and the interactions with the larger political system has impacts on managerial qualities of local groups in reference to the shared resource (Ostrom, 1988). Surface waters should then be considered a “commons” where management and policy implementation of lake improvement methods should consider the nature of the resource, decision-making strategies by stakeholders, property rights of riparians, and attributes of relationships among resource users and regulators (such as EGLE and MDNR). Due to the nature of this multiple ownership of the “commons”, world views held by each stakeholder will have to be considered for significant advances in a program. Orr (2003) mentions that the transition to sustainability is more a function of social, political, and psychological behaviors than strictly a technological or scientific process. If this concept is implemented in the process of a lake improvement program, then the local governments and riparians can develop a mutualistic trust that would be derived from attentive exchange of personal values and the needs of the local government, the riparians, and the lake.

A sound support strategy was recommended by Middendorf and Busch (1997), which included public involvement in research a priori to establish common research priorities and increase a wider range of values in the decision-making process. These strategies may assist the riparian communities towards a sustainable program because public involvement combined with the expertise of scientific innovations would perpetuate a self-driven (sustainable) program where common goals can be continuously evaluated

from metrics developed by all stakeholders. A measure of sustainability can then be assessed through the projected measurement of selected metrics over an extended period of time. For example, the metrics for a non-point source pollution control program may consist of measurements of pollutant loads and transport dynamics, changes in water quality parameters and indices of biotic integrity (IBIs), among many others. The metrics for an invasive species control program may consist of evaluating declines in the relative abundance, density, and locations of invasive species within the lake through intensive surveying and mapping. Similarly, metrics for a blue-green algae bloom management program may include quantification of blue-green algae and possible associated toxins before and after nutrient reduction strategies or other treatments. It should be cautioned that such metrics may be site-specific given the heterogeneity in surface water ecology; however, these potential outcomes emphasize the need for local governance and involvement

(Continued on page 13)



The advertisement for Restorative Lake Sciences features a logo at the top with the company name in blue and green text, accompanied by a stylized graphic of a lake and trees. Below the logo is a large photograph of a serene lake surrounded by a dense forest. A dark blue banner across the middle of the image contains a bulleted list of services and partnerships. At the bottom, there are two smaller photographs labeled 'Before' and 'After', showing a lake's improvement from a turbid, brownish state to a clear, blue state. The company's website and phone number are also provided.

Restorative Lake Sciences™

- The leader in lake restoration & management with over 120 years of combined experience
- Specialists in aeration and bio augmentation
- Advanced-degreed lake scientists
- Partnerships with major Michigan universities
- Sustainable lake management programs

www.restorativelakesciences.com
616.843.5636

Before *After*

Michigan Lakes and Streams Association 59th Annual Conference

Protecting Michigan's Inland Lakes and Streams

Friday & Saturday May 1 & 2, 2020

Join the Discussions and Network with Experts at Our Energy-Filled and
Riparian-Centered 2020 Conference
Crystal Mountain Resort, Thompsonville, Michigan



Conference Topics

- ❖ Criticality of the Cooperative Lake Monitoring Program (CLMP)
- ❖ DNR Aquatic Invasive Species Task Force actions
- ❖ Impact of short term property rentals on Michigan lakes
- ❖ Riparian rights and water law updates
- ❖ Cyanobacteria harmful algal blooms
- ❖ Impact of boats & watercraft on Michigan lakes
- ❖ Agri-Business and surface water quality
- ❖ Michigan stream & wetlands reports
- ❖ Water withdrawal issues in Michigan
- ❖ Advanced technology to improve lake management
- ❖ Evolving lake issues & lake management training
- ❖ Insurance issues on Michigan lakes
- ❖ Special assessment districts for lakes
- ❖ Aquatic plant survey methods & aquatic plant identification

Keynote Speakers

Gary Howell

Michigan House of Representatives
Chief, House Natural Resources
and Outdoor Recreation Committee

Conan Smith

President & CEO
Michigan Environmental Council

**Register On-Line NOW to
Assure Your Participation in
the MLS Conference**

**Complete details
are available at
www.mymlsa.org**

**Walk-in Registrations Will
Also be Available**




LAKE HAPPENINGS

Free Fishing Weekend

How about a free fishing weekend? On Saturday, June 13 and Sunday, June 14 license fees and Recreation Passports are waived for state park entry and boating access sites.

Michigan residents and out-of-state visitors may enjoy fishing on both inland and Great Lakes' waters for all species of fish. All fishing regulations will still apply.

Grab you gear and have a great time! 



Free Fishing Weekend 

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.



Less Mess, More Weekend!

www.goosecopinc.com
269-528-3126

 **GOOSE DETERRENT SYSTEM**



Visit Our Website
For A Limited Time Offer, Videos and More!

Unpredictable random undulations, reflective hair, crazy eyes, mean looking scowl, internal lightning like effect of the strobe light combine with the noise of the fan make the Goose Cop a truly effective goose deterrent!

Utilizes a proven patented inflatable design that has been chasing unwanted wildlife from farm fields and vineyards' for years

Incredibly fast and easy to set up and take down

Fully automatic, only operates when geese or other wildlife are detected, keeps them guessing!

Instantly protects your property, shoreline and dock right out of the box Eliminates a time consuming dirty and disgusting job

Goose Cop provides instant protection

Offers peace of mind

ORDER NOW

Arrives ready to go, right out of the box.

Optional sensor kit- Increases detection area, add up to eight.

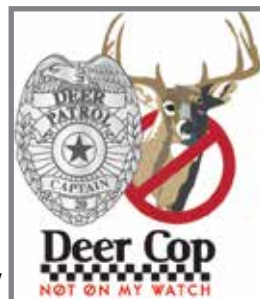
Dock Mount- Use to protect long docks out of range of shoreline sensors

INTRODUCING THE DEER COP

MOTION ACTIVATED- MAKES THE DEER COP THE MOST EFFECTIVE DEER DETERRENT ON THE MARKET TODAY!!

There are many deer deterrents out there, their effectiveness depends on how quickly deer adjust to them. The Deer Cop evolved from our proven Goose Cop design.

With its unpredictable random undulations, reflective hair, crazy eyes, mean looking scowl, plus the internal lighting like effect of the strobe light combined with the noise of the fan make the Deer Cop a truly effective deer deterrent!



Motion activated and fully automatic, operates only when deer or other wildlife is detected.

-60' x 36' detection area (each sensor, add up to eight)

-Rugged weatherproof design

-Fast and easy to set up or take down

-Cost effective

-Patent pending

Does Your Pontoon Boat Need a Face Lift?

Top Quality Aftermarket Marine
Upholstery & Accessories
for Pontoon & Deck Boats
Buy Manufacturer Direct –
Shipped Worldwide

Custom Marine
Upholstery Applications
& Colors

Rectangular & Round
Table Kits

Fiberglass Helm
Stands

Marine Carpeting &
Vinyl

Bimini Tops

Re-decking Kits www.americansofttrim.com

Call Toll Free 877-463-0356

For Brochures, Pricing & Color Samples. OEM & Dealer Inquiries Welcome



Subscribe to The Michigan Riparian Just \$25.00/year!

Please fill out this form, clip it and mail it
in with your \$25 check made payable to:
"The Michigan Riparian" or go online at
www.mi-riparian.com



Mail to : The Michigan Riparian
PO Box 19615
Kalamazoo, MI 49019 • 989-831-5100

First Name: _____

Last Name: _____

Mailing Address: _____

City: _____

State and ZIP: _____

Phone Number: _____

E-Mail: _____



FOR OFFICE USE ONLY:

date rec'd _____ amt _____

ck no _____ exp. issue _____

**2970 Farr Road
Fruitport, MI 49415
(231) 760-2020**

Contractors Marine Ltd is a full service marine contractor specializing in dredging projects. Our dedicated staff routinely provides consultation, permits and completes dredging projects and related habitat restorations on harbors, lakes, inlets, and rivers throughout Michigan and the great lakes basin. Please feel free to contact us via e mail at est@contractorsmarine.com or by phone at 231-760-2020 should our service capacities be of interest.

Towards a More Sustainable Lake

(Continued from page 9)

for the long-term adaptive management of water resources. Changes in the perceptions of all stakeholders both before and after implementation of the lake management program may also be evaluated to determine the efficacy of the program in terms of sustainability and betterment of the local riparian community. The evaluation process should be initiated by an independent party and sound science to assure that conclusions are not obscured by influences of political agendas, world views, or biases.

Although it may be useful to dissect the components and operations of other lake management programs, it would be wise to form a new program through the lenses of multiple viewpoints possessed by the stakeholders. The primary research problems or objectives will ultimately determine the critical aspects of a program which allows an objective structure to serve as the foundation of the program and for everyone's objectives to align. Sustainability of a lake management program will then ultimately depend on the ability of the objective program structure to adapt to community and governance needs and lead to lake improvement. A successful program for lake management would likely harbor the many characteristics described above with regards to stakeholder dynamics and composition, local governance, and objectivity of the determined research problems. With the increases in human population around water resources and the pollution thresholds of many surface waters exceeded, current legislative Acts must also incorporate prevention and monitoring into sustainable recommendations for lake resources.

References Cited:

- Carpenter, S.R., and R.C. Lathrop. 1999. *Lake restoration: capabilities and needs*. *Hydrobiologia* 395/396:19-28.
- Feeny, D., F. Berkes, B.J. McCay, and J.M. Acheson. 1990. *The tragedy of the commons: Twenty-two years later*. *Human Ecology* 18(6): 1-19.
- Michael, H.J., K.J. Boyle., and R. Bouchaard. 1996. *Water quality affects property prices: a case study of selected Maine lakes*. Maine Agricultural and Forest Experiment Station, Miscellaneous Report 398. University of Maine, Orono, Maine, 15 pp.
- Middendorf, G., and L. Busch. 1997. *Inquiry for the public good: Democratic participation in agricultural research*. *Agriculture and Human Values* 14:45-57.
- Ostrom, E., J. Burger, C.B. Field, R.B. Norgaard, and D. Policansky. 1988. *Revisiting the commons: local lessons, global challenges*. *Science* 284:278-282.
- Schnaiberg, J., J. Riera, M. G. Turner, and P.R. Voss. 2002. *Explaining human settlement patterns in a recreational lake district; Vilas County, Wisconsin, USA*. *Environmental Management* 30(1):24-34.
- Smith, R.G.W., and G. Mulamoottil. 1979. *Water-oriented recreation in the district of Muskoka, Ontario*. *Water Resources Bulletin* 15(6):1524-1537.
- United Nations Population Fund, 2007. *State of the World Population 2007: unleashing the potential of urban growth*. United Nations Population Fund, New York.

REPRINTING Articles from the Magazine

Frequently, lake associations, the press, educational institutions and others request permission to reprint an article from *The Michigan Riparian* magazine in a newsletter, newspaper, or other publication. In general, *The Michigan Riparian* magazine is relatively liberal in granting permission for such reprints. However, no such reprint can be done without the express prior written permission of the magazine.

If you or your organization wishes to reprint an article from *The Michigan Riparian* magazine, please contact us at (989) 831-5100 or info@mi-riparian.org. If approved, we will notify you by email or letter. When permission is granted, the following language must appear just before or after the reprint:

"Reprinted with permission of *The Michigan Riparian* magazine from the (indicate the season & year) issue, author's name: _____

Copywritten by the Michigan Lakes & Streams Association, Inc."

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
Mail: The Michigan Riparian
PO Box 19615
Kalamazoo, MI 49019

Question: Is there a Cooperative Lakes Monitoring Program (CLMP) for 2020?

Answer: Data collection under the MiCorps Cooperative Lakes Monitoring Program (CLMP) is suspended for 2020. Funding has been secured to resume the CLMP in 2021 and into the future from the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

If you want to monitor your lake in 2020, you have options:

The non-governmental partners of CLMP (Michigan Lakes and Streams Association, Michigan State University and Extension, and the Huron River Watershed Council), who were previously contracted to administer the CLMP, are offering some monitoring options in place of the CLMP for 2020. There will be no enrollment fees charged in 2020, due to the limited program we are offering.

We will provide training and technical support for Secchi Disk and Exotic Aquatic Plant Watch. Further, you can continue Score the Shore, Dissolved Oxygen and Temperature, and Aquatic Plant Identification and Mapping on your own in 2020. We are not able to offer Total Phosphorus or Chlorophyll monitoring in 2020.

You do not need to enroll in advance for any of these parameters, except Exotic Aquatic Plant Watch. If you wish to conduct the Exotic Aquatic Plant Watch this summer, please notify Jo Latimore at MSU (517-432-1491, latimor1@msu.edu) by May 1, so we can provide full technical support for your efforts – including field visits to selected lakes.

Please visit <https://www.hrwc.org/what-we-do/programs/2020-lake-monitoring/> for full details. MLSA is offering assistance to volunteers who need to purchase Secchi disks or Dissolved Oxygen and Temperature meters, as well as providing information on laboratories that can analyze water samples for Total Phosphorus and Chlorophyll. You can find those details at the website above.

When the new CLMP database comes back online in 2021, our intent is that you will be able to submit your 2020 data for approval and inclusion, as long as all CLMP procedures are followed for the parameters collected. If you sign up for the Exotic Aquatic Plant Watch, we will want your datasheets by the end of this field season as normal, but for all other datasheets, hold on to them until the CLMP comes back in 2021.

Get out this summer and let's prove the resilience and the dedication of Michiganders. The CLMP will only be down for a year and it will come back bigger and better than ever. In the meantime, let's do all we can to keep the long-term records on our lakes unblemished!

If you have questions, you may call Jean Roth with MLSA at 989-831-5100 or email her at jroth@mlswa.org.

Dr. Jo Latimore, Aquatic Ecologist and Outreach Specialist,
Michigan State University

Please follow all state guidelines and the recommendations of Center for Disease Control regarding the COVID-19 pandemic during lake monitoring. Your health and safety comes first!

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.

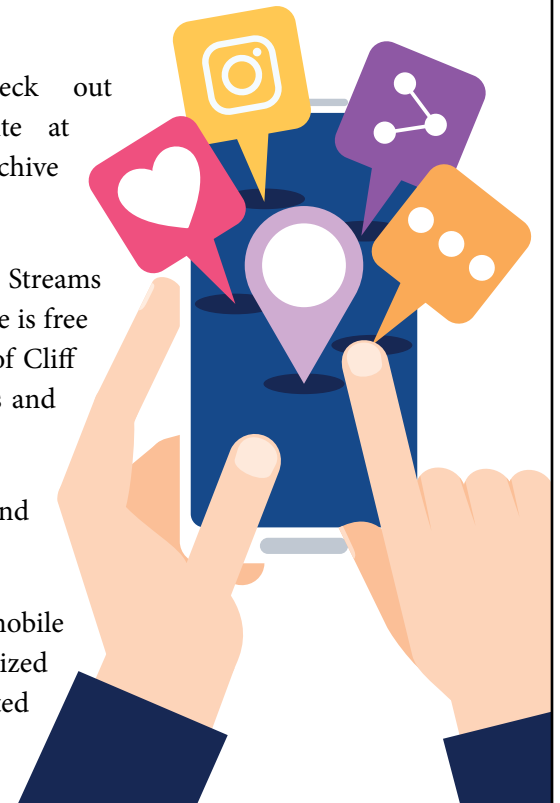
TWO GREAT WEBSITES!

Readers of *The Michigan Riparian* magazine should check out two very helpful websites. The first is this magazine's website at www.mi-riparian.org. Most of that website is a free resource including an archive of many back issues and most of Cliff Bloom's "Attorney Rights" columns.

The second website of great interest is that of Michigan Lakes & Streams Association, Inc. at www.mymlsa.org. Most of the content on that website is free and includes current events, MLSA publications and pamphlets, some of Cliff Bloom's articles, legal issues, annual convention updates, current events and much more.

These sites make abundant information about Michigan lakes, streams and natural resources available at your fingertips!

Currently, upgrades are being made to both websites including more mobile phone friendly. Soon, you will be able to access the sites with a personalized membership login to access exclusive content and a completely updated archive of Riparian magazines and Cliff Bloom articles.



**AQUARIUS
SYSTEMS**
A Division of D&D Products Inc.

800-328-6555

www.aquarius-systems.com



World's leading manufacturer of Surface Water Management Equipment, Since 1964



GREEN LAKE *in Caledonia*

By Deb Moore, *The Stories of Your Life*
Assisted by Rod Alderink, President, a- Round Lake Association
Photo Credits - Lou Murray, Resident of Green Lake

42° 44' 42"N, 85° 35' 59"W

You'll find a gem of a place, a community of lake residents who cherish their body of water and the neighbors who share it with them. It's called Green Lake.



Green Lake is what geologists call a “kettle pond,” meaning a depression created by melting ice blocks during the Wisconsin Glaciation of the Ice Age. For us, that means 309 acres of water within Leighton Township, Allegan County, Michigan. Its sister lake, Round Lake, composes an additional approximate 18 acres and although originally part of the larger lake, is now adjacent to it. Together the two lakes comprise the a-Round Green Lake community.

At its deepest, the cool, clean, clear waters reach a depth of 70 feet. With its distinctive green-bluish coloration, on certain days Green Lake resembles the Caribbean Sea.

Our Green Lake is located 19 miles southeast of downtown Grand Rapids. We’re close enough to the city to enjoy the food, arts and cultural scene, yet home is “in the country,” where neighbors know and care for each other.



Photo Credit: Keizer Family



(Continued on page 18)

GREEN LAKE

(Continued from page 17)

Ingle Wave Pavilion and Hotel

At the site of the present-day Public Access, once stood the Ingle Wave, the premier resort on Green Lake in the early 1900s. To the rear of the property was a barn for horses and surries, tended by a Mr. Rix who met all the trains from Moline to bring guests to the resort. A steamboat also ferried people from Cook's Landing to the establishment. There were plentiful rowboats for fishermen, each named after a famous U.S. naval vessel.

Green Lake Roller Rink

The Green Lake Roller Rink was built sometime around 1905, when it was still fashionable for ladies to wear long dresses and skirts. It stood at West Shore Drive for over five decades. It was a large building with a low pitched roof, partially built up on stilts.

Many high school kids, primarily from Caledonia, Wayland and Byron Center, skated in the '40s to the sounds of big band music. Others from around the lakes walked or boated over to spend 25 cents for admission and skate rental on Wednesday and Saturday evenings. The rink featured a large wooden floor and a few shuttered windows propped open by 2 x 4s.

The roller rink closed in 1955 and was torn down and homes were built on the property.

(Continued on page 19)



The original hotel as it looked at the turn of the 20th century.



Hotel with 3-story addition.



A crowd gathered in front of the roller rink.



Green Lake Pavilion, circa 1920s

(Continued from page 18)

Green Lake Pavilion

Before air conditioning, day-use swimming resorts were popular on many lakes as a way for people who couldn't afford cottages to enjoy a reprieve from the summer heat. In the early 1920s, a pavilion at 4606 East Shore Drive was built. It was officially named the Green Lake Pavilion, but commonly referred to as Loucks' Pavilion. The bathhouse section of the pavilion was built over the water which could be seen and heard through the floor boards.

Hundreds of visitors enjoyed the pavilion on a hot summer's day, and the cars were parked all the way down the road. Boats and rafts were available for rent, and they sold live bait to fishermen. Northern Pike were plentiful in Green Lake, and it became a tradition for Loucks' patrons to nail the heads of pike they cleaned to the storage shed. The Green Lake Pavilion site was eventually sold and the building was torn down in 1965. Three homes were built on the site.

(Continued on page 20)



GREEN LAKE

(Continued from page 19)

Green Lake Improvement Association

On August 30, 1948, a number of Green Lake residents met to discuss the welfare of the community. Several key things happened as a result of the meeting, including the formation of the Green Lake Improvement Association.

The Association published the first lake directory in July, 1950. The association was also instrumental in having street lights installed and getting a second coat of black top on the roads. The Association grew over the years, but then declined in the mid-60s, probably for lack of leadership and focus.

a-Round Green Lake Association, Inc.



An association was re-formed in 1970-'71 and took on the inclusive name of a-Round Green Lake Association to represent both lakes. It is made up of residents on Green and Round Lakes and seeks to provide a unified voice for its residents on issues of mutual concern. The Association's primary mission is to link neighbors together in friendship, be a cohesive voice with matters affecting the lakes, and foster a sense of community.

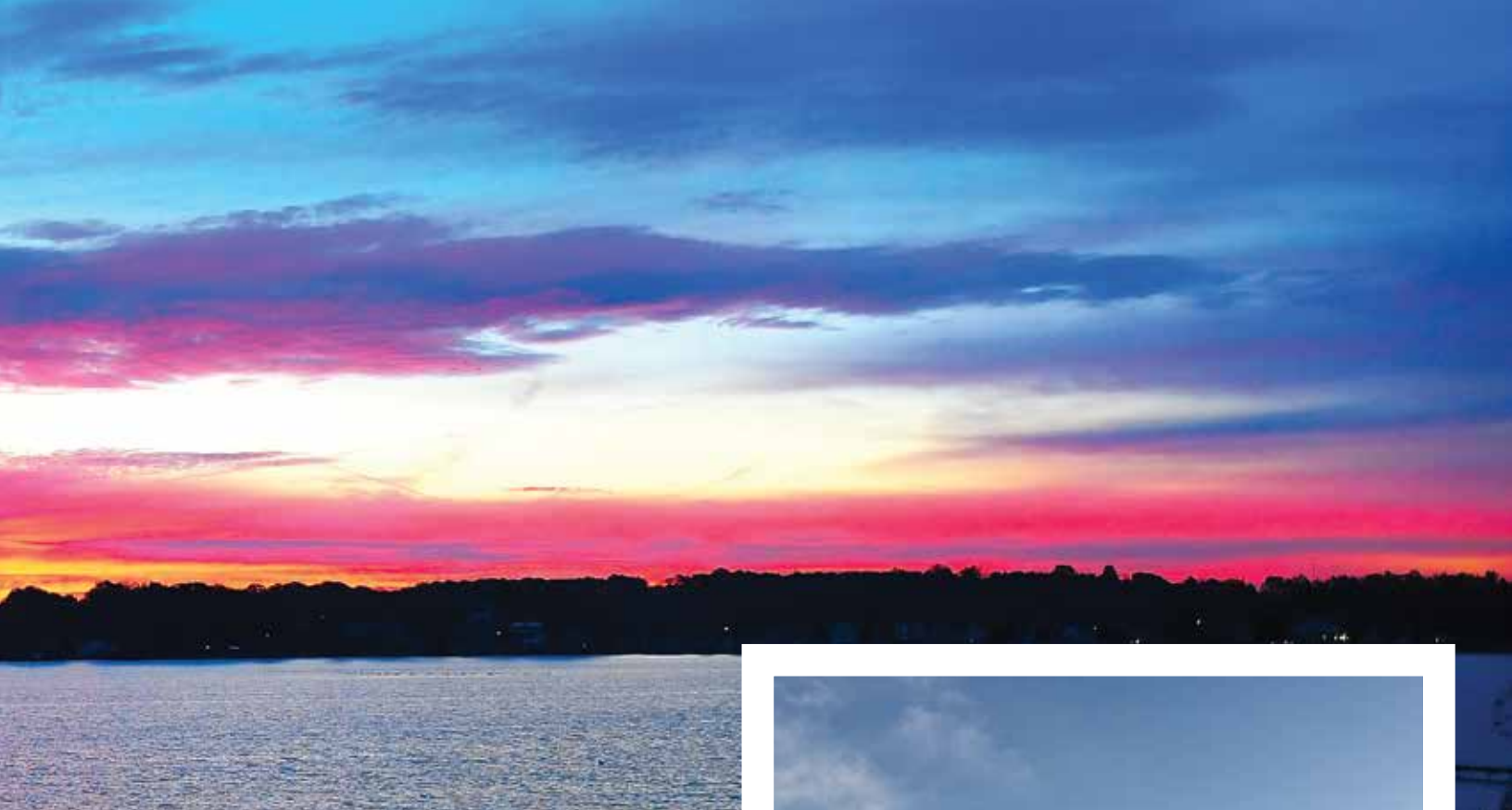
The Association rarely takes on "political" issues, although there have been exceptions, including working to bring natural gas and cable television service to the area. The

Association and its representatives also worked together with Leighton Township, the State of Michigan and the Department of Natural Resources for the funding and installation of the sewer system in 1983-'84. In all three of those instances, residents were looking to bring modern, in-town conveniences to the lake, which went hand-in-hand with more people tearing down old cottages and building year-round homes.

Around 2012, the Association revisited the matter of treating and controlling invasive species of weeds in the lakes with the Leighton Township Board. Community support was solid as no one wants invasive species to overtake the lakes. Consequently, residents cover the cost of weed control via an

(Continued on page 21)





(Continued from page 20)

annual assessment, and three members of the Association currently sit on the Township Board's Advisory Committee to consult on lake weeds and other water quality issues.

For many years, a newsletter was printed and distributed door-to-door by volunteers to advertise Association events. As times changed, so did the Association's communication vehicles. Regular emails are currently sent to over 300 addresses with helpful, newsy items that residents have come to rely on. The "Green Lake Caledonia Michigan" Facebook page is an opportunity for both current and past lake residents to connect. In addition, a mailing is sent each spring to just under 300 people's mailboxes with Association's Calendar of Events for the year which includes

(Continued on page 23)





Love Your Lake? Continue Monitoring in 2020

By Melissa DeSimone,
MLSA Executive Director



We have detailed information for what you can do in 2020 to continue your lake monitoring efforts.

The only parameters supported in 2020 are Secchi Disk and Exotic Aquatic Plant Watch, but there are things you can do on your own. Please take a look at the linked information on the homepage of our website: mymlsa.org

A video meeting in January, 2020, walked participants through the information. For a recording of that meeting, you can email Melissa DeSimone: melissa.desimone@mlswa.org

A virtual training for Secchi Disk and the Exotic Aquatic Plant Watch Program was presented on Friday, March 27, and a recording of that training can also be found on our website.

We want to thank MSU Extension and the Huron River Watershed Council for their collaboration on this year's program. The full MiCorps CLMP (Cooperative Lake Monitoring Program) will be available again in 2021.



Cygnet Enterprises, Inc.

Products to Enhance Our Water Resources®

Offering herbicides, algaecides, surfactants, bacteria, lake and pond dyes

Distributors of Lake and Pond Management Products from:

Applied Biochemists, Biosafe Systems, Brewer International, Chem One, Dow Chemical, Earth Science, M2 Polymers, Nufarm Americas, Old Bridge, SePRO, Syngenta & United Phosphorus

Great Lakes Region	(800) 359-7531
Northeast Region	(800) 275-3325
Northwest Region	(800) 530-0885
Western Region	(800) 530-0885
Midwest Region	(888) 359-7531
Southern Region	(800) 661-7909

www.cygnetenterprises.com

AFTER

AQUA-WEED
CONTROL INC.

SPECIALIZING IN LAKE & POND MANAGEMENT

BEFORE

**Weed and Algae Control
Product Sales
Bio-Augmentation
Water Quality Management**

**Products and Services
to Enhance Michigan's
Aquatic Resources
since 1975**

CALL FOR A QUOTE
248.634.8388
www.aquaweed.com

PURE MICHIGAN

PROFESSIONAL • LICENSED • INSURED

GREEN LAKE

(Continued from page 21)

a note encouraging them to join the Association. There is also helpful information on the a-Round Green Lake Association's website, greenlake.us.

The annual calendar of events includes a membership meeting serving coffee and doughnuts in May; a boating safety class in June; Fishing Tournament in June; Boat Parade and Fireworks on July 4; Charity 5kRun/Walk and Kids Run in August; Neighborhood Ice Cream Social in August; an outdoor concert called "Green Lake Rocks" in August; and Christmas a-Round the Lake in December. The Association continues to publish an annual directory. Welcome Baskets are delivered to each new household, stuffed with homemade goods, a Green

(Continued on page 28)



A Sandy Beach in One Day!

ELIMINATE THE PROBLEMS OF MUCK AND WEEDS

GUARANTEED SANDY, STABLE LAKE BOTTOM REGARDLESS OF EXISTING CONDITIONS

NO SITE DISTURBANCE

- 30 years experience
- Invented and Patented "Sand-Pro" Beach Sanding Process
- DEQ Approved
- DEQ Permit Assistance

(517) 546-3035

www.ttcbeaches.com

e-mail: ttcbeaches@yahoo.com

A Sandy Beach in One Day!

Visit us on: [facebook](#)

ASK ABOUT:

- Dock Installation/Removal
- Boulders/Seawalls



Trespass or Not?

By Clifford H. Bloom, Esq.

Bloom Sluggett, PC | Grand Rapids, Michigan

www.bloomsluggett.com

Given Michigan's generally relatively small lakefront parcels, long tradition of hunting and fishing and robust recreational opportunities, trespass issues arise with great frequency. This article will supplement an earlier discussion by me from the February, 2000 issue of *The Michigan Riparian* magazine entitled "Trespass!"

"Trespass" can be defined as:

"An unlawful act committed against the person or property of another; especially, wrongful entry on another's real property."

[or]

"A trespass on property that is clearly marked against trespass by signs or fences. A trespass in which the trespasser remains on the property after being ordered off by a person authorized to do so."

In Michigan, there are several categories of trespass. Trespass can be either civil or criminal. Furthermore, the laws against trespass can be based on either the common law or an express state-wide statute or a local municipal ordinance.

Civil trespass typically involves a landowner suing someone else for being on the landowner's real property without permission. Such lawsuits usually contain requests for monetary damages and/or a court order or injunction prohibiting future trespassing by the violator. Civil trespass does not involve punitive or criminal sanctions such as jail, fines, forfeiture, etc. On the other hand, criminal trespass proceedings are essentially punitive in nature. By trespassing, the violator may be violating a state statute or the local ordinance of a city, village, or township. If the trespasser is found guilty or responsible for a criminal trespass, that person could be potentially subject to jail time, monetary fines, or even forfeiture of an instrumentality used in the trespass (such as a motor vehicle, hunting weapon, recreational vehicle or tools). Most criminal or penal trespasses are either municipal civil infractions or misdemeanor violations.

The following are the most frequently used Michigan statutes governing criminal trespasses:

1. MCL 750.552 (Trespass)
2. MCL 324.73101 *et seq.* (Trespass – Recreational)
3. MCL 324.2155 *et seq.* (Trespass/ Damage – State Lands)
4. MCL 600.2919 (Double and Triple Damages for Destruction)

What must a landowner do in an attempt to prevent trespasses and to pursue a successful criminal prosecution if a trespass occurs? The landowner must appropriately mark his or her real property. That can be done in two different fashions. First, "No Trespassing" signs can be utilized. The letters on the sign should be at least one-inch tall and at least one sign should be visible at all points along the property lines whereby a potential trespasser will be able to see and read at least one sign no matter where the point of entry occurs. No, you do not need a "no trespassing" sign every 10-feet! Second, a fence barrier can also be used. However, it must be clear by the type of fence used that it is intended to keep out trespassers. For example, a potential trespasser could argue that a split rail cedar fence without signage is really decorative and not intended to keep out trespassers. Therefore, if a fence is used, it is also prudent to place no trespassing signs at various locations along the fence. Without the appropriate signage or fencing, police officers and prosecutors may refuse to prosecute a trespasser.

People can also unlawfully trespass on the bottomlands of a riparian property located underwater. For a full discussion of bottomlands trespass, please see the two articles in the Summer, 2018 issue of *The Michigan Riparian* magazine which were entitled "The Difficulty of Bottomlands Ownership Location" and "Twixt the Water and the Land".

In general, police officers and prosecutors do not favor prosecuting first time simple trespass offenders. That is

(Continued on page 25)


particularly true if the boundary line is not clear. In those cases, police and prosecutors will typically tell the landowner that it is a “civil matter”.

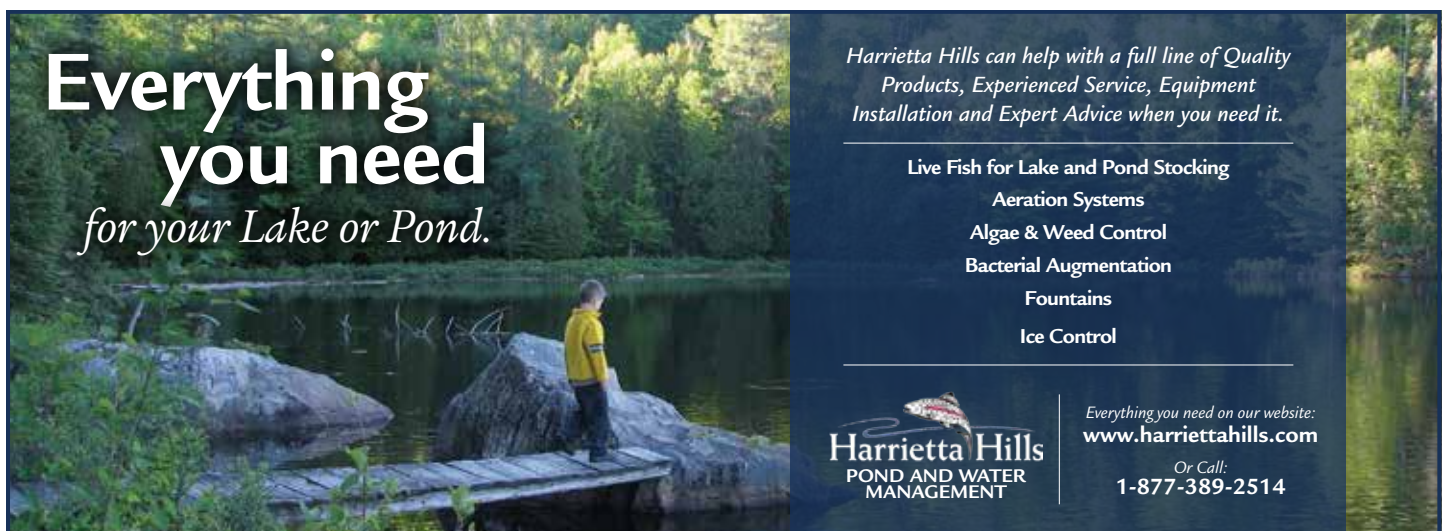
If a trespasser damages any item on the property involved, the trespasser can also be personally liable for those damages. Instrumentalities used in a trespass (such as vehicles, guns, tools, etc.) can also be forfeited pursuant to a trespass prosecution.

Does a landowner have to worry if a trespasser will be injured or even killed while trespassing? It all depends on the circumstances. In general, a landowner is not liable to a trespasser for injuries or even death occurring to the trespasser due to the natural conditions of the land involved. Therefore, if a trespasser is injured or killed while walking on unimproved forest lands, fields or hills or drowns while swimming along an unaltered lakefront property, neither the trespasser nor the trespasser's estate can normally collect any damages from the landowner. If the trespasser is injured or killed while on the land of another due to buildings, structures, or other alterations on the land involved, the landowner is generally not liable for mere negligence, but only for gross negligence or recklessness. See the Michigan Trespass Liability Act at MCL 554.583 *et seq.* and the Michigan Recreational (especially MCL 324.73107). Therefore, a landowner who has sharp fences, hidden holes, or abandoned buildings on his or her property could potentially be liable to an injured trespasser (or the estate of a deceased trespasser is killed) if those conditions of the land constitute gross negligence or recklessness on the part of the landowner or willful and wanton misconduct by the landowner. In addition, pursuant to the Michigan Recreation Trespass Act (listed above), a landowner generally is not liable to a

trespasser except where the condition of the land constitutes gross negligence or recklessness or willful and wanton misconduct by the landowner.

As with any real property in Michigan (including, especially waterfront properties), it is prudent to carry at least one million dollars in liability insurance for the land, and in some cases, even that might be insufficient. Typically, liability insurance policies will cover trespassers.


If someone is trespassing on your land, can you use deadly force to protect your property or to expel them? That also depends upon the facts and circumstances. A person can use reasonable force to protect property from trespass or theft. *Talmage v Smith*, 101 Mich 370; 59 NW 656 (1894). But deadly force can never be used solely in the defense of property. Generally, deadly force can only be used in self-defense if a person honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent death, imminent great bodily harm, or imminent sexual assault of themselves or another. See MCL 780.972. Broadly, there is a rebuttable presumption that a person honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent death, imminent great bodily harm, or imminent sexual assault of themselves or another when the individual against whom deadly force is being used is in the process of or has committed a breaking and entering of a dwelling or a home invasion. See MCL 780.951. In all criminal cases where there is any evidence of self-defense, the prosecutor must disprove lawful self-defense beyond a reasonable doubt. *People v Pearson*, 13 Mich App. 371, 377; 164 NW2d 568 (1968). Regardless, the law surrounding self-defense and use of force is complicated and very fact specific. Great caution should be exercised when exercising force, even non- deadly force, against another individual. 



**Everything
you need
for your Lake or Pond.**

Harrietta Hills can help with a full line of Quality
Products, Experienced Service, Equipment
Installation and Expert Advice when you need it.

Live Fish for Lake and Pond Stocking
Aeration Systems
Algae & Weed Control
Bacterial Augmentation
Fountains
Ice Control


Harrietta Hills
POND AND WATER
MANAGEMENT

Everything you need on our website:
www.harriettahills.com
Or Call:
1-877-389-2514



KILL LAKE WEEDS

Proven **AQUACIDE PELLETS**
Marble size pellets. Work at any depth.

Before



After



10 lb. bag treats up to 4,000 sq.ft. **\$94.00.** **50 lb. bag** treats up to 20,000 sq.ft. **\$345.00.**

FREE SHIPPING!

Certified and approved for use by state agencies. State permit may be required. Registered with the Federal E.P.A.

800-328-9350

KillLakeWeeds.com

Order online today, or request free information.

Our
65th
year

AQUACIDE CO.
PO Box 10748, **DEPT 391**
White Bear Lake, MN 55110-0748






Over 30 Years of Invasive Plant Management


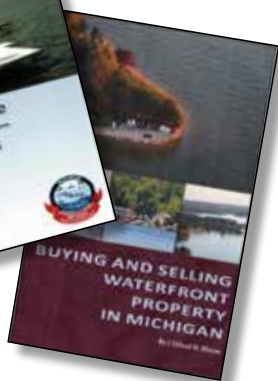


- Lake Management Planning
- Vegetation Surveys
- Bathymetric Mapping
- Herbicide Applications
- Natural Shoreline Restoration

- Water Quality Monitoring
- Weed Harvesting
- Terrestrial Plant Management
- Fish Evaluations
- Fountain & Aeration Systems
- Retail Sales

Now with three locations to better serve you!
800-382-4434 • www.plmcorp.net

TWO BOOKS WRITTEN BY CLIFFORD H. BLOOM AND PUBLISHED BY MLSA TO BENEFIT LAKEFRONT PROPERTY OWNERS IN MICHIGAN!

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

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

To purchase these books, contact MLSA
(989) 831-5100 or visit our website at www.mylsla.org

Waterfront Book ☐ Nuts and Bolts ☐

Name (please print): _____

Address: _____

Street or P.O. Box Number _____

City _____

State _____ Zip Code _____

Email address: _____

Telephone number: _____

Please select:

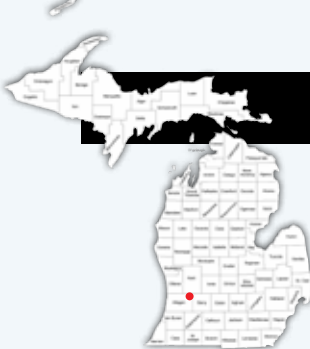
Waterfront Book
___ 1 book @ \$20.00 ea.
plus \$6.00 S/H = \$26.00

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

Send check and order to:
MLSA
PO Box 19615
Kalamazoo, MI 49019

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

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



LOVE MY LAKE

Great Times, Great Memories — A History of Green and Round Lakes (Caledonia)

Publisher's Note: Rod Alderink, a-round Green Lake Association President, shared the following excerpt from the book, Great Times, Great Memories—A History of Green and Round Lakes. It is a dedication to the people who made the book possible. Thank you, Rod, for sharing excerpts of your lake's beautiful book. We loved showcasing it as our cover story. After we read your book's dedication, we were inspired to use your own words because they say it all.

The Michigan Riparian magazine applauds all the lake associations that have published books about their lakes. If your lake association has invested in the same labor of love, we would love to hear from you. Your lake could be our next cover story.

"The best way forward is to know where you've been. For generations, Green and Round Lakes have been special places where many fond memories have been made. As the a-Round Green Lake Association Board realized that several "old timers" were passing away, they agreed that the time had come to put together a comprehensive history of the a-Round Green Lake community. We began this journey over a year ago and learned that history takes time to uncover, it can't be rushed. We made every effort to get it right, as best we could, and apologize for any errors.

Many residents helped with this endeavor for which we are profoundly grateful. You provided tips that led to further facts and memories. Several of you were interviewed in detail, and we contacted even more of you by phone, letter, Facebook and email to help with specific questions and clarifications. You dug through old photographs to unearth buried prints and slides that have enriched the text.

History, however, is more than a collection of facts and dates. It must tell a story, it must be captivating. So, the Association Board hired Deb Moore from The Stories of Your Life to write our community's story. She has gotten to know us through the lens of so many of you.



We organized and wrote the book as a series of snapshots back in time, not as an academic history. It is built largely from the memories of those who lived here. Therefore, there are several stories or facts that repeat themselves when they are pertinent to more than one historical place or event. The warmth and richness of several personal stories can be found later in the book.

Since this book has been funded by the a-Round Green Lake Association and further sponsored by many community members, it is really a gift from you, to you and the community at large. We hope as you read and study the images, you'll be able to say, 'Wow! I learned new things I never knew about our community!' We believe that once you've finished reading our history, you will feel a profound sense of joy, happiness and gratitude for our unique area. Knowing a little bit about our history and our roots, let us continue to work together to make our lakes an incredible place to live and play in the future. Happy Reading!"



Wouldn't you love to see your lake featured here? In word and picture, send us your story to swagner@mlswa.org. (Send pictures in jpeg or 300 dpi.)



GREEN LAKE

(Continued from page 23)

Lake Directory and other lake “swag.” The Association also sends flowers to members in the hospital and to the families of those who have passed away.

As residents have gotten to know more people, they have become more involved and appreciate the many benefits of the Association, causing a steady rise in membership. Today over 200 families are members.

(Continued on page 29)




Here are some brief historical facts about Green and Round Lakes:

- 1830s land surveys of the area determined that the area supported a Beach-Maple forest with a scattered occurrence of White Pine. There were swampy and boggy areas and remnant marshes along the western side of the lakes. When the first cottages were built some years later, low lying areas were built up with fill. The natural landscape was altered by land filling and excavation into the sides and bluffs flanking the lake.
- Louis Campau, noted for founding the city of Grand Rapids, was also a trader with local natives. He established a large, long, one-and-a-half story wood-framed trading post, in the French-Canadian style, on Green Lake in 1833 or '34.



(Continued from
page 28)

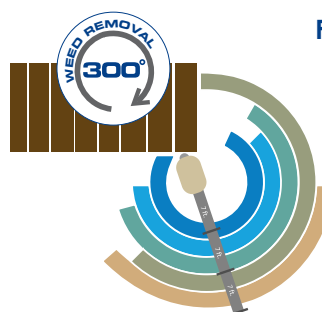
For over 70 years, the Association has provided the leadership to be a collective voice advocating for public services and issues, but it has also provided a wider array of social activities that foster a sense of community. This community flourishes because of the faithful Association members and volunteers, all under the guidance of leaders past and present. Walk into any Association event, and you will hear the sounds of community, neighbors talking with neighbors, sharing stories over bites of pancakes or scoops of ice cream. The a-Round Green Lake Association makes it possible for everyone around the lakes--whether a longtime resident, a summer resident or someone new to the area, to come together and have fun; to care for each other and be informed as to what's happening in the community. 



TWO THUMBS UP FOR WEED-FREE LAKES!

Linked rollers agitate the lake bottom dislodging any weeds or plant material in its path. Leaving behind a firm, weed-free, swimming area!

Available in lengths of: 21', 28', 35', & 42'



Features You Can't Get Anywhere Else!

- Auto Cycle
- Park
- Time Out
- Dock & Shore Mounting
- and More!



CRARY
WeedRoller® PRO

For a free DVD or to locate a dealer:
www.EliminateLakeWeeds.com | 800.247.7335

Several Interesting Michigan Court of Appeals Decisions Regarding Standing, Injunctions, Deed Restrictions and Easements

By Clifford H. Bloom, Esq.
Bloom Sluggett, PC | Grand Rapids, Michigan
www.bloomsluggett.com

On December 5, 2019, the Michigan Court of Appeals issued an interesting unpublished decision in *Wenners v. Chisholm*, et al, Case Numbers 345830 and 345831 (2019 WL 6646504). The decision involved a narrow land strip utilized by back lot or off lake property owners and their ability to utilize dockage and boat moorage on the land strip at the lake. Although the case is quite complex regarding the facts and legal issues involved, there are two important matters discussed by the Court that could help riparian property owners in similar civil lawsuits in the future.

First, the Court held that the owners of the adjoining lake front (i.e., riparian) properties have “standing” to bring a lawsuit challenging the use of the narrow land strip adjacent to the riparian properties, even if the riparian property owners have no direct ownership interest in the land strip at issue. Second, the Court held that injunctive relief (i.e., a court order) was appropriate to require the back-lot property owners to comply with the court decision even if the riparian property owners did not ask for injunctive relief initially.

The holding in *Wenners v. Chisholm* could benefit riparian property owners in future litigation cases.

The second interesting Michigan Court of Appeals case was decided on January 16, 2020 in *Haan v. Lake Doster Lake Association* (Case No. 345282; 2020 WL 257403). This decision also involved complex factual situations regarding an artificial lake in Allegan County with extensive deed restrictions / restrictive covenants. One of the subdivisions included the dedication of a lakefront parcel for backlot property owners to provide them with access to and use of the lake. The dedicated parcel was called “Parkway”, and it consists of a private drive and park. The plat dedication was silent regarding the rights of usage for backlot property



owners and whether they had the right to docks and to seasonally moor boats. Through a series of rules and agreements by the property owners association, several backlot property owners claimed dockage and boat moorage rights. A slim majority of the Court of Appeals held that certain backlot property owners had the right to dockage and seasonal boat moorage at the common property. This decision probably has little precedential impact for other lakes, but it does stand for the proposition that a property owners association must be very careful regarding its rules, bylaws, and agreements.


Finally, on January 30, 2020, the Michigan Court of Appeals released its opinion in *Kraus v Link*, et al. (Case No. 347044; 2020 WL 504 973), which involved the rights of backlot property owners and others to use three waterfront outlots on Walled Lake. The deed restrictions and dedications allowed backlot owners (and potentially others) via easements to utilize the three lakefront outlots to utilize docks built thereon “to be used” by the backlot owners

(Continued on page 31)

(Continued from page 30)

and required that everyone who uses the docks “agree to maintain the same and keep said docks in proper repair at their own expense ...” Everyone using the outlots also agreed “to keep said weeds and rushes cut and become responsible for the appearance of said shore line ...” The dispute involved whether the backlot property owners could moor or keep boats along the docks, and if so, whether such boat moorage is limited to day use only or for the entire season. The court opinion contains good discussions about riparian rights, lake access easements, deed restrictions and similar matters. Although the trial court held that the backlot property owners could use the docks for “day use only,” the Court of Appeals reversed the decision and remanded the case back to the trial court for further proceedings. The Court of Appeals held that the language regarding dockage was ambiguous and that the trial court would have to consider historic “extrinsic evidence” (i.e., evidence outside of the language used) to determine the scope of

usage rights for the outlot easements. Given that the plat was originally created in 1917 and that the Michigan Supreme Court in *Little v Kin*, 468 Mich 699 (2003) held that the only type of extrinsic evidence that can be considered by a court is evidence at or prior to the time when the easement was created, it is unlikely that there will be much direct evidence of the platlor’s intent or usage rights at or within a year or two of 1917.

Although all three of the above Michigan Court of Appeals decisions were “unpublished” and therefore, not technically binding precedent, such cases often do guide Michigan courts in similar cases. 

Make one call for all your lake & pond products



**Liner • Fountains • Water Treatments • Aeration Systems
Underwater Lighting • Windmills • Watergardening and more!**

800-448-3873

www.stoneycreekequip.com

4385 East 110th, Grant, MI 49327 • info@stoneycreekequip.com
Call, drop by the fish farm or visit our website for a free full color catalog
Family run business since 1970!



Visit our Fish Farm & Store

11073 Peach Ave.
Grant, MI 49327
Just 6 miles east of Grant

April - September
8am-5pm M-F
8am-3pm Sat
Call for holiday hours

Live On A Lake?

**Concerned About the Future of Your Water Resources?
Join MLSA Today!**

Membership dues of \$45 entitles you to a year's membership and subscription to *The Michigan Riparian* magazine as well as other benefits. **Mail check payable to MLSA to:**

Michigan Lakes & Streams Association, Inc.
PO Box 19615 Kalamazoo, MI 49019

Or renew your membership online at www.mylsa.org

One year \$45

Special multi-year discounts

- ☐ 2 years is \$80
- ☐ 3 years is \$110
- ☐ 5 years is \$150
- ☐ Lifetime is \$500



\$ _____ Exp. _____ Security Code _____

First Name: _____ Last Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ E-Mail: _____

FOR OFFICE USE ONLY:

date rec'd: _____ amt: _____
ck no: _____ member: _____

THE MICHIGAN
RIPARIAN
www.mlr-riparian.org

PO Box 19615
Kalamazoo, MI 49019

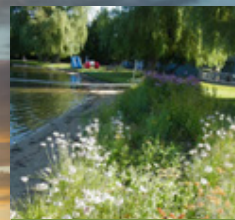
NON-PROFIT ORG.
U.S. POSTAGE

PAID
LANSING, MI
PERMIT #975

NOTE TO SUBSCRIBERS:

Please call The Michigan Riparian office at 989-831-5100 or e-mail swagner@mlswa.org with any changes regarding your mailing address.

Questions About Your Lake?



Natural Shorelines



Stormwater



Water Quality



Aquatic Vegetation

We've been finding solutions to lake and watershed challenges for 25 years.

KIESER & ASSOCIATES
ENVIRONMENTAL SCIENCE & ENGINEERING

Call Mark or Patty at 269.344.7117

kieser-associates.com