

# A Clear-Cut Riparian Victory in Barry County

Rutland Charter Township in Barry County, Michigan, refused to enforce the anti-funneling/anti-keyholing lake access regulations contained in its own zoning ordinance. After certain backlot property owners were prevented from utilizing docks and permanent boat moorings at several private lake parks on Algonquin Lake in an earlier Barry County Circuit Court action, some lakefront/riparian property owners who were sympathetic to the backlot owners allowed the backlot owners to maintain seasonal boat moorings at private residential riparian properties.

Other riparians called on Rutland Charter Township to enforce its lake access regulations. Using convoluted logic, Rutland Charter Township officials asserted that the anti-funneling regulations in the township's zoning ordinance only applied to developers and that allowing backlot property owners to maintain docks and boat moorings along the riparian properties of others was simply a permissible accessory use of the lakefront property.

In an unpublished decision dated January 26, 2010, the Court of Appeals in *Adkins v Rutland Charter Twp* (Case No. 286888), dismissed Rutland Charter Township's baseless ar-

guments and held that the practice by some riparian property owners of allowing backlot property owners to dock boats along the riparians' lake frontage was in clear violation of the Rutland Charter Township Zoning Ordinance.

The riparian property owners who brought their successful lawsuit had hoped that Rutland Charter Township officials would now fulfill their oaths of office, enforce the township's zoning regulations, and take enforcement action against any backlot property owner who attempts to moor boats at the riparian property of another in violation of the zoning ordinance as well as against the facilitating riparian property owner who is also potentially violating the zoning regulations.

Unfortunately, it appears that Rutland Charter Township officials will continue to waste taxpayer money (in an attempt to benefit a few favored backlot owners) by attempting to have the Michigan Supreme Court take a further appeal of this clear-cut case.

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## Fish-Egg Disinfectant Shown To Prevent Disease Transmission

A disinfection solution presently used for salmon eggs also prevents transmission of the virus that causes viral hemorrhagic septicemia or VHS - one of the most dangerous viral diseases of fish - in other hatchery-reared fish eggs, according to new U.S. Geological Survey-led research.

VHS has caused large fish kills in wild fish in the U.S., especially in the Great Lakes region, where thousands of fish have died from the virus over the last few years. The disease causes internal bleeding in fish, and although in the family of viruses that includes rabies, is not harmful to humans. Thus far, the virus has been found in more than 25 species of fish in Lakes Michigan, Huron, Erie, St. Clair, Superior and Ontario, as well as the Saint Lawrence River and inland lakes in New York, Michigan and Wisconsin.

Effective disinfection methods are critically important to natural resource agencies that collect eggs from wild fish stocks and private aquaculture because the spread of the virus to a fish hatchery could be devastating, said Mark Gaikowski, a USGS researcher who led the USGS and U.S. Fish and Wildlife Service research team.

"If VHS virus is introduced into the aquaculture industry, it could lead to trade restrictions, as well as direct economic losses from the disease," Gaikowski noted. USGS and USFWS researchers tested the effectiveness of using iodophor disinfection in walleye and northern pike eggs and found that it

eliminated active virus from fertilized eggs. Iodophor disinfectant solutions contain iodine formulated for use on fish eggs. The researchers also found that although some of the disinfection treatments reduced hatch, iodophor treatment at 90 minutes after fertilization occurred did not alter egg hatch or fry development.

Experts fear the disease could potentially spread from the Great Lakes into new populations of native fish in the 31 states of the Mississippi River basin. Regulatory agencies in the U.S. and Canada have already placed restrictions on the movement of fish or fish products that could pose a risk for the spread of VHS virus to regions outside of the known geographic range.



*photo courtesy of U.S. Geological Survey*  
USGS microbiologist Maren Tuttle counts hatched Northern pike fry.