August 1999

THE MICHIGAN RIPARIAN

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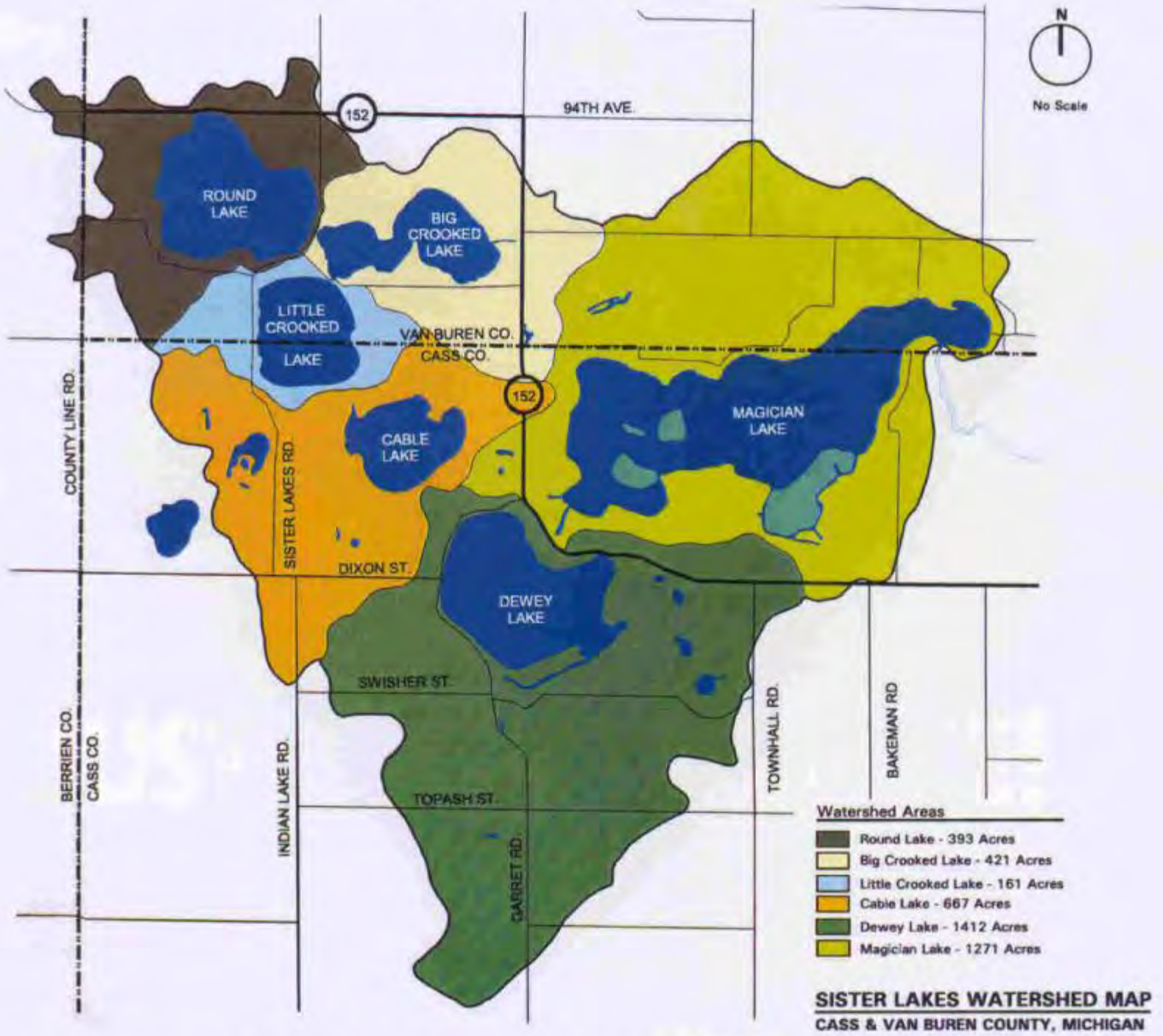

SISTER LAKES WATERSHED MAP
CASS & VAN BUREN COUNTY, MICHIGAN

SISTER LAKES WATERSHEDS UNDER STUDY
SIX LAKES IN CASS AND VAN BUREN COUNTIES

(See Article on Page 8)

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OFFICERS AND DIRECTORS OF THE MICHIGAN RIPARIAN, INC.

David Maturen, *President*
1125 E. Milham Road, Portage, MI 49002
Phone: (616) 342-4800

Merrill Petoskey, *Vice President*
2830 Cobb Road, Lewiston, MI 49756
Phone: (517) 786-2147

Donald E. Winne, *Chief Executive Officer*
124½ North Main Street, Three Rivers, MI 49093
Phone: (616) 273-8200

Dr. Robert King, *Director*
2640 W. Wing Road, Mt. Pleasant, MI 48858
Phone: (517) 866-2592

William Hokanson, *Director*
11242 Oak Avenue, Three Rivers, MI 49093
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23800 Caughlan Road, Hillman, MI 49746
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EDITORIAL

Don Winne

Making Lakes Safe and Enjoyable

I have always been of the opinion that the Department of Natural Resources was mandated by the legislature to regulate and control watercraft on Michigan lakes under provisions in the Marine Safety Act, the Inland Lakes and Stream Act, The Wetland Protection Act and other environmental legislation.

It was surprising for me to learn that the Department of Environmental Quality supported a 160 foot long dock with 20 boat slips on a 76 foot shoreline lot on Higgins lake. If the number of boats were permitted on the shoreline of Higgins lake at the same rate as this lot (one boat for every 3.8 feet), then 28,873 boats would be permitted on this 10,000 acre lake.

Is there a limit to the number of motorized boats that a lake can support? Does a lake have to have an accident and people injured before the public becomes aware that a lake may be overcrowded with boats? How many boats per acre of surface water does it take to deny the enjoyment of a cruise on the lake? Many riparians stay off the lake on holidays and weekends because of the proliferation of boats, and the increased chance of injury.

Some townships have already passed ordinances which limit the number of boats that can be launched by footage of shoreline. One ordinance states, "Not more than 2 moorings, slips or docks shall be permitted for each 50 feet of lake frontage." Another provides, "Not more than one boat dock with no more than 3 moorings, or three slips or three dock spaces for each 150 feet of lake frontage of the natural shoreline..." Also, "The launching of boats from recreational parks shall not be permitted, nor shall boats be allowed to be docked at recreational parks."

If you have a problem on your lake, go to your township or village board and ask for action. Townships have the power, and the door is open.

Donald E. Winne

The Michigan Riparian welcomes letters to the editor, articles for publication, comments, suggestions, and article ideas. If you wish to write an article or just have an idea for one, it would be best to write us a short note or give us a call to discuss it.

—The Editor

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Sister Lakes
Water Quality Impact Analysis

by
Tony Groves and Pam Tyning
Water Resources Group
Progressive Architecture Engineering

Introduction

The sister Lakes are located in Cass and Van Buren Counties in southwest lower Michigan (T.4-5S; R.16W; Figure 1). The sister Lakes include Round Lake, Big Crooked Lake, Little Crooked Lake, Cable Lake, Dewey Lake, and Magician Lake. In 1998, the Sister Lakes Study Committee retained the consulting team of Progressive AE and Freshwater Physicians, Inc., to evaluate baseline water quality conditions in each of the lakes and to assess the impact of existing sources of pollution. A primary concern was the impact of area septic systems on lake water quality. The study was commissioned on behalf of the township boards of Keeler and Silver Creek Townships to assist the decision-making process with regard to the need for a community sewer system for the Sister Lakes area. The approach used on the Sister Lakes may be applicable to other lake communities attempting to gauge the potential impact of watershed pollution sources on lake water quality. This article has been prepared to outline study methods and to provide a summary of study findings and conclusions. This is the first in a series of articles regarding the Sister Lakes that will appear in the *Michigan Riparian*.

Physical Characteristics of Sister Lakes

Table 1
Sister Lakes
Physical Characteristics

	Round	Big Crooked	Little Crooked	Cable	Dewey	Magician
Lake Surface Area (acres)	194	110	103	91	226	429
Maximum Depth (feet)	27	48	62	41	50	57
Mean Depth (feet)	7.5	18.0	19.7	17.4	10.1	15.4
Lake Volume (acre-feet)	1,454	1,982	2,024	1,583	2,283	6,624
Shoreline Length (miles)	2.4	2.6	1.6	1.7	3.5	9.3
Shoreline Development Factor	1.2	1.7	1.1	1.3	1.7	3.2
Lake Elevation (feet)	763	763	763	764	765	763
Watershed Area (acres)	393	421	161	667	1,412	1,271
Ratio of Watershed Area to Lake Area	2.0	3.8	1.6	7.3	6.2	3.0

Lakes Classified By Productivity – Oligotrophic, Mesotrophic, Eutrophic

Lakes are commonly classified as oligotrphic, mesotrophic, or eutrophic. Oligotrophic lakes are generally deep and clear with little aquatic plant growth. These lakes maintain sufficient dissolved oxygen in the cool, deep bottom waters during late summer to support cold water fish such as trout and whitefish. By contrast, eutrophic lakes are generally shallow, turbid, and support abundant aquatic plant growth. In deep eutrophic lakes, the cool bottom waters usually contain little or no dissolved oxygen. Therefore, these lakes can only support warm water fish such as bass and pike. Lakes that fall between these two extremes are called mesotrophic lakes.

Under natural conditions, most lakes will ultimately evolve to a eutrophic state as they gradually fill with sediment and organic matter transported to the lake from the surrounding watershed. As the lake becomes shallower, the process accelerates. When aquatic plants become abundant, the lake slowly begins to fill in as sediment and decaying plant matter accumulate on the lake bottom. Eventually, terrestrial plants become established and the lake is transformed to a marshland. The aging process in lakes is called "eutrophication" and may take anywhere from a few hundred to several thousand years, generally depending on the size of the lake and its watershed. The natural lake aging process can be greatly accelerated if excessive amounts of sediment and nutrients (which stimulate aquatic plant growth) enter the lake from the surrounding watershed. Because these added inputs are usually associated with human activity, this accelerated lake aging process is often referred to as "cultural eutrophication." **The problem of cultural eutrophication can be managed by identifying sources of sediment and nutrient loading (i.e. inputs) to the lake and developing strategies to halt or slow the inputs.** Thus, in developing a management plan, it is necessary to determine the limnological (i.e., the physical, chemical, and biological) condition of the lake and the physical characteristics of the watershed as well.

The six lakes of the Sister Lakes area have been studied for the last two years to determine whether Silver Creek and Keeler townships should move forward with plans to install a sanitary sewer system for this area of heavily urbanized lakes. This issue will cover the physical characteristics of the lakes and their watersheds, nutrient budgets including phosphorus loading, and classification of lakes based upon productivity.

The November issue will include water quality, findings and conclusions, sensitivity of softwater lakes, exotic species, unusual species such as the jellyfish, and how Sister Lake property owners feel about their lakes.

- Joe Ervin
MSU, Institute of Water Research

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Based on water quality data collected during the study, the Sister Lakes are classified as shown in Table 2.

Table 2
Sister Lakes
Trophic Classification

Trophic Status	Trophic Characteristics	Sister Lake
Oligotrophic	• Low nutrient levels • Sparse plant growth • Oxygen levels high in summer • High water clarity	
Mesotrophic	• Moderate nutrient levels • Moderate plant growth • Limited oxygen depletion • Moderate water clarity	• Little Crooked • West Big Crooked
Meso-eutrophic		• Cable • East Big Crooked • East and West Magician
Eutrophic	• High nutrient levels • Abundant plant growth • Oxygen depletion in summer • Low water clarity	• Dewey • Round

Watershed and Nutrient Budget Analysis

Land use activities in a lake's watershed directly impact the water quality. In order to evaluate the influence of watershed drainage on the water quality of the Sister Lakes, a nutrient budget analysis was performed. A nutrient budget is a calculation of nutrient loading to a lake based on land use, soil types, and other conditions in the surrounding watershed.

The type of land use in a watershed directly influences the quantity and quality of runoff. For example, the runoff from residential areas (with roof tops, driveways, and other impermeable surfaces) will generally be of greater quantity and poorer quality in terms of sediment and nutrient content than runoff from a wooded area of equal size. In wooded areas, much of the potential pollution load is retained and assimilated by the vegetative ground cover. In this analysis, five land use classifications were utilized: Cropland, orchard, residential, wooded/undeveloped, and wetland.

In preparing a nutrient budget for the Sister Lakes, an estimate was made of the quantity of the nutrient phosphorus entering the lake from surface runoff, atmospheric deposition (both wet and dry fall), and lakeside septic systems. The nutrient budget focused on the control of phosphorus for two reasons:

- Phosphorus is usually the major nutrient in shortest supply relative to the nutritional needs of aquatic plants. Therefore, phosphorus is the nutrient that controls eutrophication.
- Of the major nutrients, phosphorus inputs are more subject to control through management practices.

Since it is extremely difficult and cost-prohibitive to directly measure nonpoint, diffuse sources of phosphorus loading such as surface runoff and atmospheric deposition, it was necessary to select phosphorous loading values from other studies in which direct measurements have been made in the field. Great care was taken to apply phosphorus-loading values that would be representative of the watershed conditions observed around the Sister Lakes. The values selected were based largely on a comprehensive literature review of the quantity of phosphorus transported to surface water bodies from various land uses (Reckhow et al. 1980). When estimating the phosphorus load transported to the lakes via surface runoff, the percent land use, and the presence or absence of "buffering areas" (wooded or wetland areas that act to reduce phosphorus inputs) were taken into account before phosphorus loading calculations were made. It is assumed that wetland areas contribute no phosphorus to the lake. Phosphorus loading values selected for each of the land uses in the Sister Lakes are provided in Table 3. Table 3 shows the estimated input of phosphorus from each source to each of the Sister Lakes. Nutrient budget analysis results indicate that Magician Lake receives the largest quantity of phosphorus (1,406 pounds per year) while Cable Lake receives the least at 315 pounds per year. On a percentage basis, septic systems are the largest source of phosphorus loading in four of the six lakes: Little Crooked, Magician, Round, and Big Crooked Lakes (51, 49, and 45 percent, respectively). Cropland and residential land are the largest sources of phosphorus in Dewey and Cable Lakes, respectively.

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Table 3
Sister Lakes
Phosphorus Loading Rates

Source	Loading Rate (lbs. / acre / year)
Cropland	0.4
Orchards	0.2
Residential	1.0
Wooded / Undeveloped	0.1
Wetland	0
Atmospheric	0.31

Phosphorus Loading of Sister Lakes (Pounds per year).

Lake	Atmo-sphere	Crop-land	Orchards	Resi-dential	Septic Seepage	Wooded/ Undeveloped	Total
Round	60	3	16	151	216	12	458
Big Crooked	34	28	0	208	234	12	517
Little Crooked	32	0	4	89	137	5	267
Cable	28	74	19	115	64	15	315
Dewey	70	266	34	184	257	24	835
Magician	133	145	45	364	694	26	1407
Total	357	516	118	1111	1602	94	3799

In estimating the potential phosphorus load contributed from lakeside septic systems, soil drainage and phosphorus adsorption potential were evaluated. Many of the soils abutting the lakes are poorly drained with a moderate to low phosphorus adsorption capacity. Currently, over 50 percent of the homes surrounding the Sister Lakes are situated on soils described by the Soil Conservation Service (1991,1986) as having septic limitations categorized as either moderate to severe, or severe. These limitations are generally due to either poor filtering capacities, soil wetness, or slope. In calculating the septic phosphorus input, Michigan's ban on phosphorus in detergents was taken into account, and the seasonal occupancy rate of lakeside residences was considered. In addition, only homes directly bordering the lakes were counted in the nutrient budget analysis. **It should be noted that the phosphorus load contributed from lakeside septic systems can be expected to increase over time as more homes are converted from seasonal to year-round use**, and the limited capacity of area soils to retain phosphorus is exceeded. A community sewer system, in place of the existing septic systems, would eliminate the largest single source of phosphorus input to the Sister Lakes.

The watershed area draining to each of the Sister Lakes was determined by examining a U.S. Geological Survey topographic map of the study area (Sister Lakes 1981). Watershed boundaries are shown on the front cover. Watershed land cover data was derived from the Michigan Resources Information System (MIRIS) and updated with 1994 aerial photography obtained from the Center for Remote Sensing at Michigan State University (Figure 3).

The sister Lakes area was originally developed as a resort area. Aerial photography from the late 1930's shows sparse development around the lakes. Most of the urbanization that has occurred in the area is concentrated around the lakes. Today, there are over 1,100 seasonal and year-round homes directly bordering the lakes. Residential development is the dominant land in the Round, Big Crooked, and Little Crooked Lake watersheds. Agricultural land is more extensive in the watersheds draining to Cable, Dewey, and Magician Lakes.

Plan To Attend ML&SA Fall Regional Seminars

Michigan Lake and Stream Associations will be holding seven Fall Seminars in 1999. You are invited to attend one or all of them. Seminars will be held in both the Upper and Lower Peninsula.

Six Fall Regional one day seminars have been scheduled between September 11th and October 16th. These seminars are for lake and stream property owners and members of the public to learn about and discuss riparian and water resource issues. Sessions will be on such topics as Watershed Planning, Zoning and Planning, Legal, Water Quality, Water Safety and other issues that effect our water resources in Michigan.

The fall seminars are a great place to network with lake representatives from your region. ML&SA members will receive a copy of their area regional in the mail. Opening time may differ from seminar to seminar.

For more information concerning the Fall Regional Seminars, contact a Regional Vice President who's seminar you plan to attend. You are welcome to attend one or all of the seminars.

The registration cost for seminars is $17.50 per person, which includes the cost of luncheon.

UPPER PENINSULA
Saturday, September 11, 1999

Seminar will be held at the Covenant Point Conference Center, Hagerman Lake, Iron River.
For more information call either ML&SA officer at 517.257.3583 or email info@mlswa.org

LOWER PENINSULA
Saturday, September 18, 1999

Region 7 will hold it's Fall Seminar. Place and time to be announced.
For more information call Dennis Zimmerman at 517.588.9343

Saturday, October 2, 1999

Regions 9,10 and 11 will hold a joint Fall Seminar at the Big Rock Church, Atlanta.
For more information contact Leo Schuster at 517.786.5145, Rex Keister (2nd Vice President, Region 9) at 231.947.2868 or Cecile Kortier at 517.742.3104

Saturday, October 9, 1999

Region 1 and 2 will co-host their Fall Regional Conference at the Jackson Community College, Jackson.
For more information, contact Kathy Miller at 517.547.6426 or Floyd Phillips at 810.231.2368

Saturday, October 9, 1999

Region 3,4 and 8 will jointly hold their Fall Seminar at the Crown Plaza in Grand Rapids.
Contact Sue Vomish at 616.782.3319, Jerry McCoy at 616.623.6312 or John Drake at 616.940.1972

Saturday, October 16, 1999

Region 5 and 6 Seminar will be held at the Fenton Township Hall, Fenton.
Hosting the Seminar will be Ginny Loselle, phone 517.548.2779 and George Fetzer, phone 248.634.4353

ATTORNEY WRITES

By Clifford H. Bloom
Law, Weathers & Richardson, P.C.
333 Bridge Street, N.W.
Suite 800
Grand Rapids, Michigan 49504

All of a sudden, you discover that survey stakes have appeared on some undeveloped lake frontage land, not too far from your riparian lot. Although the undeveloped property has some frontage on the lake, the parcel also has a significant amount of land area away from the lake. All sorts of bad things go through your mind. Is it going to be a mobile home park? Is the property owner/ developer going to develop a large number of lots upland and attempt to "funnel" those lots onto the lake through the limited lake frontage of the parcel? Is someone attempting to put in a marina or commercial operation? It is enough to send a chill up the spine of any riparian property owner.

In these situations, ignorance is not bliss. While riparians cannot always prevent overdevelopment disasters, riparians can often stop or lessen the more negative impacts of development, if they act swiftly and decisively.

If you are alerted to a possible development either by word of mouth, by the appearance of survey stakes or otherwise, the first thing you should do is to contact local municipal officials. You must determine immediately what, if any, local ordinances will apply to any development. Applicable local ordinances could include, but not be limited to, the zoning ordinance, a separate dock and boat mooring ordinance, the local land division ordinance, and local environmental regulations. Seek out your local municipal officials immediately—in most cases, the best contact will be the local zoning administrator or planner, although in some municipalities their duties are fulfilled by other municipal officials. Be candid with local officials—tell them your concerns, ask them whether they are aware of development plans for the property involved, and ask them which ordinances may be applicable. All of this should be public information. If, for whatever reason, local municipal officials are uncooperative, you may need to make a formal request for documents under the Michigan Freedom of Information Act ("FOIA"). Only use FOIA as a last resort—start out with the honey approach.

You should immediately obtain copies of all applicable local ordinances and review them in detail, preferably with your own legal counsel. Carefully review the local zoning regulations for the following:

- Anti-funneling or anti-keyholing regulations
- Lake frontage requirements
- Lot width and road frontage requirements
- The permitted uses in the zoning district involved
- Any zoning regulations regarding dockage
- Lot width-to-depth maximums or boat mooring
- Any greenbelt or setback requirements
- Lot width-to-depth maximums
- Regulations regarding common usage, such as private parks, common areas, access easements, etc.

Some or all of these issues may also be addressed in non-zoning regulations such as a local dock and boat mooring regulatory ordinance, local environmental ordinances and any other applicable ordinance.

Next, you should determine whether the developer has applied for land division approval. Unless plats or site condominiums are involved, no land can be divided without prior local municipal approval under the Michigan Land Division Act (MCLA 560.101 *et seq.*).

Ascertain whether the developer has applied for any zoning approvals. If those approvals have not been given, find out whether any hearings are scheduled and what the municipality's position is regarding which zoning approval(s), if any, must be obtained. Obviously, you should attend all such meetings—better yet, organize your lake association and other riparians to attend and to state a position regarding the proposed development.

Apart from local municipal regulations, the proposed development may also be subject to the Michigan Wetland Protection Act, the Michigan Inland Lakes and Streams Act and other state legislation. You should investigate to determine whether the proposed development will involve a request for a wetland fill application, any dredging or filling of the lake shoreline, or similar activities. Generally, these matters are handled by the Michigan Department of Environmental Quality ("DEQ"), and you should contact that agency to determine what, if any, applications have been filed and also to alert the DEQ to any concerns you might have about the proposed development. Be forewarned, however, that although sometimes state officials can help minimize some of the more adverse impacts of

(continued on page 16)

ML&SA NEWS

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Donald E. Winne, Executive Director

New ML&SA Member Associations

Narrow Lake Improvement Association, Eaton County
Gerald Fetterman, President

Bass Lake Association, Grand Traverse County
Shane Renfer, President

Silver Lake Community Association, Clare County
Richard Glover, President

Freska Lake Association, Kent County
Susan Barnes, President

Gourdneck Lake Association, Kalamazoo County
Tony Marfia, President

Viking Recreational Club, Otsego County
Kurt Leutheuser, President

ML&SA Offers a New Service to it's Members

Interested in Having an Internet Home Page for your Lake, Stream, or Watershed Association?

ARE YOU AWARE THAT ML&SA IS NOW A WEB SERVER?

If your association is a member of ML&SA, YOUR association CAN HAVE it's own WEB PAGE!! Already have your own web page? Would you like to transfer to ML&SA's Server?

For a limited time ML&SA will assist lake associations in setting up their own Web Site. ML&SA purchased it's own Internet Server, to not only provide a home for our Website, but for our members and our Cooperative Monitoring Programs as well. Along with Web Hosting, we have installed our own E-mail Server for ML&SA, which will allow us to create and maintain our own E-mail accounts as well as ListServes.

It is the intention of Michigan Lake and Stream Associations to provide a free one page, static Web for all ML&SA member associations.

For more information about the Web server, contact Techcomm@mlswa.org. Visit Michigan Lake and Stream Association on our Web site www.mlswa.org. Linked to the ML&SA web page are the following lake association home pages: Baldwin Lake, Crockery Lake, Rainy Lake, Lake Fenton, and White Lake associations. Under construction are: Lakes Preservation League Association and Lake Avalon.

Cooperative Monitoring Programs Web Site Under Construction

ML&SA with the assistance of Mark Coscarelli, Environmental Specialist, Office of the Great Lakes, MDEQ, looks forward to the development of a new web site that will present the Volunteer Monitoring Programs, carried out by Michigan Citizens through Michigan Lake & Stream programs. The site will be in part funded through the Great Lakes State Management Plan To Control Exotic Species. Ginny Loselle, Region 5 Vice President will be doing the development of the page, assisted by Robert Bonnell.

The plans call for an umbrella type page with separate sections dedicated to monitoring of Zebra Mussels, Purple Loosestrife, Eurasion Milfoil, Aquatic Plants, as well as Cooperative Monitoring of Lakes, Rivers, etc.

A digital camera will be used to take actual pictures of volunteers in action. It will be linked to mlswa org. to begin with. Keep in touch, visit the ML&SA web site at http://www.mi-water-cmp.org and watch the development of this web page.

MICHIGAN LAKE AND STREAM ASSOCIATIONS

OFFICERS AND BOARD MEMBERS OF MICHIGAN LAKE & STREAM ASSOCIATIONS

PRESIDENT — Richard Brown
13355 Lakeshore Dr., Fenton, MI 48430
Ph: 810-629-5964; Fax: 810-750-5964
E-mail: richardb7@prodigy.net

VICE PRESIDENT — Joe Landis
1642 Walnut Hts. Dr., East Lansing, MI 48823
Ph: 517-332-6004 (H); 616-266-5667 (Cottage)

SECRETARY — Shirley Westveer
17415 Thunder Bay, Howard City, MI 49329
Ph: 616-937-5280; E-mail: shirlw@pathwaynet.com

TREASURER/DIR. OF OPERATIONS — Pearl Bonnell
P.O. Box 303, Long Lake, MI 48743-0281
Ph: 517-257-3583; Fax: 517-257-2073
Email: Pbonnell@mlswa.org

REGIONAL VICE PRESIDENTS

Region 1 — Floyd Phillips
9535 Crestline Dr., Lakeland, MI 48143
Ph: 810-231-2368

Region 2 — Kathy Miller
6090 Dexter Lane, Manitou Beach, MI 49253
Ph: 517-547-6426; E-mail: kmiller@tc3net.com

Region 3 — Sondra (Sue) Vomish
52513 Twin Lakeshore Drive, Dowagiac, MI 49047
Ph: 616-782-3319

Region 4 — Jerry McCoy
7420 N. Crooked Lake Dr., Delton, MI 49046
Ph: 616-623-6312

Region 5 — Virginia Loselle
5571 E. Grand River, Howell, MI 48843
Ph: 517-548-2779; E-mail: loselle@state.mi.us

Region 6 — George Fetzer
1757 Tannock Drive, Holly, MI 48442
Ph: 248-634-4353; E-mail: g6344353@tir.com

Region 7 — Dennis Zimmerman
716 E. Forest, P.O. Box 325, Lake George, MI 48633-0325
Ph: 517-588-9343

Region 8 — John Drake
7178 Aqua-Fria Court, Grand Rapids, MI 49546
Ph: 616-940-1972; E-mail: jkd@iserv.net

Region 9 — Rex Keister
4582 North Spider Lake Road, Traverse City, MI 49686
Ph: 231-947-2868

Region 10 — Leo Schuster
3021 Marion, Lewiston, MI 49756
Ph: 517-786-5145

Region 11 — Cecile Kortier (V.P.)
18200 Valerie Dr., Hillman, MI 49746
Ph: 517-742-3104

Regions 12-15 — Vacant

Individuals interested in being the Vice President in any Vacant Region should contact ML&SA President, Richard Brown, or Don Winne, Executive Director.

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Michigan Lake & Stream Associations to expand their Volunteer Programs

ML&SA RECEIVES GRANT FROM THE MDEQ, SURFACE WATER QUALITY DIVISION, TO STUDY THE BLACK RIVER WATERSHED IN VANBUREN AND ALLEGAN COUNTIES

Michigan Department of Environmental Quality, Surface Water Division, awarded ML&SA a grant to conduct a Pilot Testing Program on the Black River in VanBuren and Allegan Counties.

The study became effective on May 1, 1999 and will continue through September 30, 2000. Quarterly reports to MDEQ are part of the requirements of the grant agreements. The study parameters include the following:

Dissolved oxygen, Total Phosphorus, pH, Alkalinity, Turbidity, Soluble reactive phosphorus, Nitrate nitrogen, as well as other testing programs.

Dr. Robert A. King, Professor Emeritus, Central Michigan University, will be the Field Director of the entire study. He will be assisted by Don Winne. Dr. King's specialty is stream/rivers and watershed ecology. Dr. King also serves as a member of the ML&SA Science Advisory Committee. Pearl Bonnell is the project manager and Dr. Scott McNaught, Central Michigan University and a member of the ML&SA Science Advisory Committee, will be responsible for all lab testing procedures and results. Samples will be analyzed at the Central Michigan biological and chemical laboratory.

Volunteers that will be helping in the collection of samples and taking of measurements at the 16 sites within the 145,000 acre watershed include the following: John Hass, Great Bear Lake, VanBuren County, John Lindahl, Hutchins Lake, Allegan County, Richard Pryor, Upper Jeptha Lake, VanBuren County, and George Wesbey, Lower Scott Lake, Allegan County.

Black River has a north, middle and south branch. The north branch begins at Hutchins lake near Fennville, the middle branch includes Upper and Lower Scott, and Saddle lakes. The south branch begins East of Blomingdale and flows through Great Bear Lake. Another tributary starts with Upper Jeptha Lake.

The study is designed to pin point water quality problems within the system, and to suggest corrective measure, which will improve water quality and restore habitat for fish and other aquatic animals.

ML&SA is developing a Cooperative monitoring program for lakes and streams/rivers that will preserve and protect state wide water resources. Programs are to be developed for lakes and streams/rivers that will center on "Watershed Watch", educating riparians as well as the general public on the importance of being aware of what is happening in their watershed that will effect Michigan's waters.

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The Riparian Property Owner Owns the Bottomland in Front of His Waterfront Property

Relevant Court Cases:

Lorman v. Benson, January 9, 1860. "The Court adopts the common law rule that the title to the soil under public rivers is in the adjacent property owner."

Rice v. Ruddiman (1862). "The riparian ownership of lands along Muskegon Lake is governed by the common law rule of fresh water streams…The court extended the rule of LORMAN to inland lakes."

Clark v. Campau (1869). "The property lines for submerged land should be extended at right angles with the centerline of the stream from the point where the borderline meets the shore…and not by his land back of it."

Burt v. Monger (1946). "The Court also reiterates the Michigan rule that the riparian owners own to the middle of the lake."

Hall v. Wantz (1953). "Inland riparian lake ownership carries ownership to the middle of the lake, no matter how deep."

Determining the Boundaries of a Riparian's Bottomland

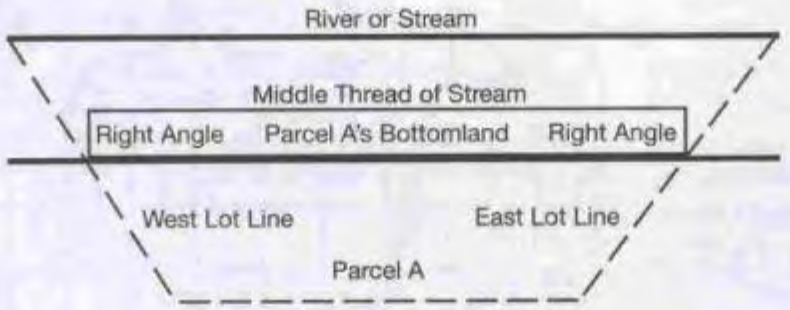
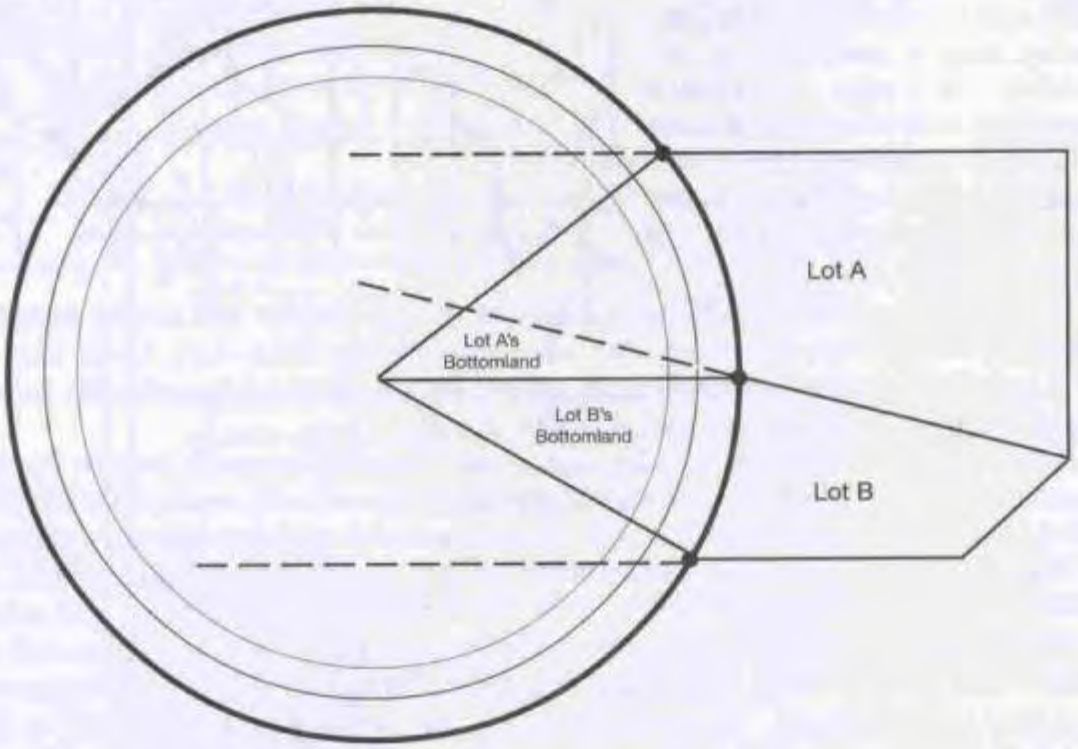


Illustration of Bottomland on a Perfectly Round Lake



The Michigan Supreme Court Decides In Favor of Burt Township

The Supreme Court has decided (June 2, 1999) that the MDNR is required to comply with Burt Township's Zoning Ordinance in constructing a public access boat launch on the shores of Burt Lake.

The Chronology of the Case:

- **1989** – The DNR obtained title to two lots on Burt lake for the purpose of creating a public access boat launch.
- **1989** – The Burt Township zoning administrator notified the DNR that they needed to submit an application to the Township to secure a permit to construct the access site. The DNR responded that they did not have to get the Zoning Board's approval since they were a state agency and local zoning did not apply.
- **1992** – Burt Township filed suit in 1992, but voluntarily dismissed the suit without prejudice since an agreement had been reached and the DNR did not have sufficient funds to proceed with the construction.
- **1995** – The DNR started construction of the access site having secured funding.
- **1995** – Burt Township sought a declaratory judgement and requested permenent injunctive relief.
- **1997** – The trial court decided in favor of the Township — the DNR had to comply with the township zoning ordinance.
- **1998** – The Appeals Court affirmed the decision of the trial court, that the DNR had to comply with the Burt Township zoning ordinance.
- **1999** – On appeal to the Michigan Supreme Court, the Court affirmed the decision of the Appeals Court. The Michigan Department of Natural Resources is required to comply with the Plaintiff Burt Township's zoning ordinance in constructing a public access boat launch on the shores of Burt Lake.

MUSIC TO OUR EARS

In addition to the very favorable holding of the recent Michigan Supreme Court decision in Burt Township v The Department of Natural Resources, — Mich — (1999), (*i.e.* that DNR proposed boat launches are subject to local zoning), the Supreme Court's decision contains language which is supportive of local anti-funneling ordinances and other lake access regulations. The best quotation is as follows:

I. The Legislature, through the TRZA [the statute authorizing township zoning], has granted significant authority to townships bearing on their right to regulate the use and development of boating and recreational facilities such as the one at issue. The TRZA broadly vests authority in townships to regulate the land development 'to meet the needs of the state's citizens for ... recreation ... and other uses of land ....' MCL 125.271(1); MSA 5.2963(1)(1). The TRZA further provides that zoning ordinances shall be based on a plan designed to, among other things, 'conserve natural resources.' MCL 125.273; MSA 5.2963(3). Indeed, the status and force of this zoning authority is enhanced by our state constitution. Const 1963, art 7, § 34 provides that statutory provisions relating to townships 'shall be liberally construed in their favor.'

II. In addition to the broad grant of regulatory authority contained in the TRZA, we also believe the township planning act (TPA), MCL 125.321 *et seq.*; MSA 5.2963(101), to be particularly relevant in this case involving waterfront development. The TPA provides that a basic zoning plan shall show the planning commission's recommendations for the development of the township and include certain subjects pertinent to the future development of the township, including the general location, character, and extent of, among other things, 'waterways and water front developments.' MCL 125.327(2) (b); MSA 5.2963(107)(2)(b).

III. These statutory provisions reveal that the TRZA and the TPA provide townships with extensive authority to regulate the use and development of land within their borders, including waterfront property. Moreover, this Court in *Dearden* declined to adopt a rule that state agencies have inherent immunity from local zoning ordinances. *Dearden, supra,* at 261. Thus, we conclude that it is incumbent upon the DNR to establish a clear legislative intent to exempt the DNR's activities from the Burt Township zoning ordinance. (footnotes omitted)

Burt Township, Page 4 of the Slip Opinion.

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developments, state legislation and state officials will rarely stop a development—your better bet is to rely more on local ordinances (if any).

Occasionally, a riparian will luck out and there will be deed restrictions on the property which could preclude certain types of development. That is relatively rare, however. You can obtain information about deed restrictions through a title search of the property.

What if local officials are wimpy, refuse to help, are good buddies with the developer involved, or some combination of these? Sometimes, political pressure will work. Organize. Attend local municipal meetings with large support groups. Do petition drives. Recall officials who are not doing their job. Ultimately, if local municipal officials are not applying local ordinances, you, other riparians and/or the lake association may have to institute litigation against both the local municipality and the developer. Obviously, that should be a last resort option.

What if the proposed development turns out to be pretty bad, state officials have been of little help and the local municipality does not have ordinances in place to stop or soften the harsh aspects of the development? Is it too late? It may not be. Although it is like being on your own 5-yard-line with the ball with only a minute left in the football game, riparians can sometimes turn matters around. First, there is always the option of a riparian rights/reasonable use lawsuit. Unfortunately, such lawsuits can be both expensive and risky. Second, municipalities can sometimes enact ordinances at the last minute. On occasion, municipalities can adopt quick moratoria for certain types of development in order to buy time to craft appropriate zoning or other regulations. Such moratoria normally can only be imposed for relatively short periods of time—say six months or less. Typically, until a developer gains a vested right by obtaining required permits and actually physically commencing the development, zoning regulations can be changed. Additionally, non-zoning regulatory ordinances can be enacted quite rapidly, and often without the need for a moratorium. Obviously, enacting a local ordinance at the last minute requires cooperative (and even gutsy)local governmental officials.

PLEASE HELP US—WE NEED INFORMATION ON LOCAL COURT CASES

Although we have ready access to Michigan appellate decisions (i.e. by the Michigan Court of Appeals and Michigan Supreme Court), there is no effective means for researching or gathering lake decisions by local county circuit courts, which are the Michigan trial courts. Although such decisions are not binding precedent for anyone located outside of the particular county involved, they are often instructive, useful and persuasive in other courts.

Accordingly, if you or anyone you know have been involved in any local court cases over the last 15 years where a decision has been rendered by the trial court judge involving any aspect of a lake, please send us a copy of the final trial court decision. Such decisions usually take the form of an order, transcript or written decision – written decisions are the most helpful. Cases of particular interest to us include those involving anti-keyhole/anti-funnel regulations, road ends, alleys, walkways, parks, promenades and similar ways at lakes, riparian or reasonable use lawsuits, marinas, lake front development, docks and boat mooring. Please send copies of any such court decisions to us as follows:

Don Winne
124-1/2 N. Main Street
P.O. Box 249
Three Rivers, Michigan 49093

If you will enclose a bill for copying and postage costs, we will reimburse you for the same.

Boat Speed On Michigan Waters

(ACT No. 58, Public Acts of 1995)

All motor boats being propelled on Michigan waters shall travel no faster than a slow no-wake speed when within 100 feet of shore where the water is less than three (3) feet in depth. (Sec. 80146(3).

A "Motorboat" means a vessel propelled wholly or in part by machinery. (Sec. 80103(f).

The "waters of the state" means any waters within the territorial limits of this state, and includes those waters of the Great Lakes that are under the jurisdiction of this state." (Sec. 80104 (p).

"On the waters of this state for which a motorboat speed limit is not established...a maximum speed of 55 miles per hour is established, except in an emergency and except for authorized peace and conservation officers when engaged in official duties. (Sec. 80146 (@).

Michigan Court of Appeals, in an unpublished decision on August 3, 1999 in the case of The Attorney General and The Department of Enviromental Quality vs. Chalet du Paw Paw, ruled that the DEQ has no authority to regulate dockage and boat moorings where individual docks or moorings are owned or controlled by individual property owners within a condominium.

Editor's Opinion:

If other courts follow this precedent, the role of the State (DEQ) in the prevention of overcrowding of lakes will be severely limited.

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Information From Lake Associations Around The State...

Alcona Iosco Cedar Lake Association
Alcona & Iosco Counties
Leonard Schmitt, President

A group of concerned property owners attended our June 12th board meeting. They expressed strong interest in getting Cedar lake dredged, emphasizing that we each have a major investment in Cedar Lake. We support them wholeheartedly and look forward to hearing more from them at our July 3rd meeting. Please join us and bring a neighbor with you. Sometimes all it takes is a personal invitation.

Arbutus Lake Association
Grand Traverse County
Grace McDonald, President

- Milfoil Control Program Continues -

Larry Faber surveyed the Lake for Eurasion Milfoil last fall and found it growing again. He and a group of volunteers will apply herbicide to control its spread. Lately there is news coverage about natural control methods for Milfoil using a beetle to eat the noxious weeds. Although this method of control avoids use of chemicals, the beetle, the size of a sesame seed, have only been used in a few inland lakes. We will be watching to see how successful this control method is on other lakes.

Baldwin Lake Association
Cass County
Don Henke, President

- Summer Water Testing Has Begun -

Mike Miller, our water quality and environmental chair, reported at the last advisory meeting that we again participated in the state phosphorus testing program, and the Secchi disc clarity tests have begun. Early on at every site, clarity has improved — however, we need to keep in mind that the boating had not yet begun in earnest, and it has been an extremely dry spring. Both conditions contribute to the current clarity. Secchi disc readings will be taken every other week all summer and shortly other water quality tests will be done to check for pollutants in the water.

Mike also reported that the drain commission is apparently ready to proceed with drain construction at the two sites on the south end of Hilltop Road. But some problems have developed in the planning for the two proposals for the north end of the road.

Bear Lake P.O.A.
Manistee County

President Jerry Mathieu reported that the ownership of the outlet is still up in the air, and nothing substantial can be done about removing the excess sand buildup until the matter is resolved. County prosecutor Dennis Swain is helping in the investigation.

OUTLET: The outlet has not been cleaned, and no specific responsibility for it has been determined. At the August 29 Board meeting a motion was made and passed to expend up to $200 for a cleaning. At this point it would seem that cleaning will not be feasible until after the spring and early summer, depending on snow melt (not much, unless we catch it in March) and precipitation. Our involvement in the cost of cleaning at least indicates a public concern in outlet conditions.

NATURAL GAS ARRIVES IN BEAR LAKE

The villages of Bear Lake and Kaleva have recently had natural gas lines installed and residents are deciding whether to switch to the newly available energy, or stay with propane and oil. Upon inquiring about availability for other areas around the lake, it would seem that it will depend on the number of applicants for any given mile. (Five per mile is a figure that has been mentioned.) The cost for connection in the villages was $470, or $200 down and $25 per month for 12 months. The North Shore has approximately 75 residences, but whether the gas company would consider putting lines in to reach the area may be questionable, at least in the very near future.

Big Pine Island Association
Kent County
Chris Nikodemski, President

The Kent County Sheriff Department's Marine Division has listed the following as some of the most common violations. Please beware when you are on the water.

- **The 100 feet rule** - boats must stay 100 feet from the dock, raft, swimming area and other vessels.
- **Speed limits** - slow, no wake, within 100 feet off shore and other watercraft. 55 M.P.H. maximum unless otherwise regulated.
- **Personal Watercraft** - 100 foot rule - must stay 100 feet from docks, rafts, and other vessels. Must stay 150 feet behind other vessels (no wake jumping).
- **Persons age 12 to 16** must have Boating Safety Certificate.
- **A Personal Flotation Device** for each person on the boat must be readily available.

Big Star Lake Association
Lake County
David S. Longstreet, President

- Gypsy Moth Plans -

The annual gypsy moth spraying will take place shortly after Memorial Day weekend or when the oak leaves are full and the larvae is moving, according to Chairman Rog Matthews. Following the same program that has been in place for the past 6 years, your BSL Board is recommending Northern Helicopter Corporation for the spraying. If you have not received a contract from them, we urge you to contact them immediately at 616-869-2421 if you want this service. While we have made outstanding progress in controlling this pest, this is a skirmish that will never end.

Byram Lake Association
Genesee County
Jack Schoeppach, President

- Keyholing -

The use of ones property for launching or docking watercraft that is titled to another individual: As of Friday, June 11, 1999, a total of (7) improperly titled watercraft has been removed from area lakes by the sheriff. This may seem too extreme for some lake residents, however, consider the following: Byram Lake has approximately (90) usable boating acres. There are (150) ownership parcels on the lake. If each parcel had just (1) watercraft, all residents could not use the lake at the same time due to the congestion. The State of Michigan considers a safe amount of water to operate a watercraft is 7.5 acres. Our lake would be considered full when (12) watercraft are in use at any one time. Please be considerate to all other riparian and invite your friends and relatives to use your water toys and not bring theirs to the lake.

To be in compliance with Fenton Township anti-keyholing ordinance, any watercraft launched or docked at other than a public marina must be titled in the name of the property owner.

Clifford Lake
Improvement Association
Montcalm County
Norb VanderSteen, President

-Township Ordinance Regulating Waterfront Access and Docks -

Larry Deuel and Norb VanderSteen met with the Douglas Township Planning Commission on April 28th to discuss the

adoption of an ordinance by Douglas Township that would limit access to Clifford Lake from the undeveloped land surrounding the lake; and regulations governing the number, length and usage of docks serving these areas, and the existing platted properties on Clifford Lake.

Imagine the following (potential) scenario: A large track of undeveloped land adjacent to Clifford Lake is sold to a developer. The land is platted for 200-300 homes, with access to Clifford Lake over a 50-100 foot existing lakefront lot. A number of docks (a marina, if you will) is constructed on the lakefront access, extending 50-100 feet into the lake, with moorings for 100+ boats. Impossible? There's no ordinance or current regulation to prevent it. The Michigan Department of Natural Resources (DNR) would require a permit for the marina and Douglas Township would need to approve the P.U.D. We could raise objections, based on environmental concerns and adverse impact on Clifford Lake during the hearing process. But isn't an ounce of prevention worth a ton of problems? Look at the problems Otisco Township, just south of us, currently has with the construction of an intensive pig farm operation. By the time they decided to act and rescind the permit, it was too late. They went to court, but lost. It now appears it could cost them several thousand dollars because their action delayed the start of the operation, and they have to live with the adverse affects caused by this type of facility.

We need to act to prevent a "funneling" of "keyholing" situation at Clifford Lake. The Planning Commission asked us to submit our intended ordinance for their consideration at their next planning meeting. They raised a number of questions at the April 28th meeting, including their concerns about the negative impact of an ordinance such as the one we proposed on the existing property owners (i.e. reducing the value of their property). Their concerns about owners of undeveloped property far exceeded the concerns Larry and Norb voiced about the potential negative impact for Clifford Lake riparian.

Crockery Lake Association
Ottawa County
Pat Wolters, President

- Fertilizer Ban Ordinance -

- No type of fertilizers may be applied to your lawn.
- No grass clippings, leaves, sticks, etc. may be placed in the lake.
- Fertilizers applied by lawn fertilizer companies, such as Chemlawn, are

Crystal Lake Association
Benzie County
Cliff Graves, President

- Personal Watercraft Questionnaire -

All of our members who took the time to complete and return 211 of the questionnaires that were sent out with our fall Crystal Faucets, deserve our thanks. Your thoughtful and enlightening comments are as helpful as the tally of yes/no answers. Mr. Kelly, the questionnaire's designer, has informed us that the Frankfort Chamber of Commerce will compile and validate the questionnaire results. The CLA Board of Directors will evaluate the information obtained from these questionnaires and decide what next steps, if any, should be considered.

It has been said, there are many ways to skin a cat and there may be opportunities to improve upon the impact PWC are having on Crystal Lake. Currently, the only action CLA is taking is to facilitate a dialog regarding personal watercraft on Crystal Lake. The mission of the CLA is to protect the quality of Crystal Lake, not simply to react to opinion-based data. Although the statistics presented below indicate some level of consensus and your written comments reveal very strong opinions on both sides of every question including the validity of the questionnaire itself. All of these opinions deserve our respect and consideration. Predictably, the owner/riders of PWC as a group differed from the non-riders.

Here are the percentages for the "yes" answers; 15% of the respondents own/ride a PWC, 83% do not, and 2% did not so indicate.

Survey PWC on Crystal Lake
(Fall - Winter 1998 Crystal Facets)

	Own/Ride PWC	Do Not Own/Ride PWC
Safety restrictions should be tighter than PA 116?	63%	95%
Higher Marine Patrol Budget	66%	91%
Prohibit PWC on Crystal Lake	3%	77%
Transition to 4 stroke engines?	44%	74%

Delton Crooked Lake Association
Barry County
Dick Patterson, President

Creating a greenbelt for your shoreline involves a few basic principles:

• Wildlife – Green belts can create a beautiful habitat for birds and bird lovers. Every bird species has its own unique food requirements, and these may change as the bird matures. Learn the food habits of the birds you wish to attract. Then plant the appropriate shrubs or flowers that will provide the fruits, berries, seeds or nectar.

• Use Native Plants – Check with the botany department of a nearby college for lists of trees, shrubs, and wildflowers native to our area. Use this list as a starting point for your landscape plan. These plants are naturally adapted to the climate of our area and are a good long-term investment. If you use nonnative plant species in your plan, be sure they are not considered "invasive pests" by plant experts.

• Diversity – Because Michigan has four seasons it is important to plant shrubs.

Creating a Green Belt…

Careful planning can quickly and easily create a green belt that will beautify your shoreline and protect Crooked Lake for many years to come. It is a wonderful feeling of pride to sit back and enjoy the beautiful shoreline you are protecting for future generations.

Derby Lake Cottage Owners Association Montcalm County

- All Property Owners Please Take Note -

Outlet from Derby Lake located at Northeast corner of Lake. Water level of lake controlled at outlet.

Mother Nature is the CULPRIT. In the Fall when leaves start to fall, she puts leaves into the Lake; when we get a strong wind, especially out of the south west ; these leaves head for the outlet. They plug up the outlet all the way into the swamp. When this happens, the Lake level rises. This also happens in the spring when the ice goes out. They must be moved out of the stream by hand. At these times we need some younger hands to check the outlet when the lake level starts to rise; and clean out the leaves. Put on your WADERS, THERE IS USUALLY A MANURE FORK AND A STRAW FORK AVAILABLE, AND A FEW MINUTES OF YOUR TIME WILL BE APPRECIATED. THANK YOU.

Hamlin Lake Preservation Society
Mason County
Dave Hall, President

- Lake Management Report -

The Hamlin Lake Management Plan report has been finalized and copies have been distributed to the Hamlin Lake Improvement Board, the Hamlin Lake Preservation Society, the Hamlin Lake Association, Hamlin Township, the Natural Resources Conservation Service, West Shore Community

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College, and the Mason County District Library. The report includes detailed information of each element of the Hamlin Lake Management Plan as well as a compilation of all data collected since the project began in 1990. This report will provide support for future lake management decisions and possible grant opportunities. While the length of the report and the numerous color graphics preclude providing copies to lake residents, the report is available for local review at the Hamlin Township Hall, the office of the Mason County Drain Commissioner, and the mason County District Library in Ludington.

Higgins Lake Foundation
Roscommon County
Robert Morley, President

Swimmer's Itch Eradication Program Continues

A big thank-you to the many property owners who have been calling in all spring to report sightings of common Mergansers, the duck that hosts the swimmer's itch parasite. Our Merganser scare and eradication team has been busy chasing and removing these ducks whenever possible. Dr. Thomas Burton, head of the Zoology Department at Michigan State University will be continuing his research program on Higgins Lake, Walloon Lake and Lake Leelanau this summer. Dr. Burton received an $85,000 grant from the Michigan Legislative Appropriations Committee to continue this study. Thanks also to Liz Wade and Pinewoods Association for securing living quarters for the researchers while they are on our lake this summer.

Swimmers Itch HOTLINE – (517) 821-8880

Horsehead Lake Association
Mecosta County
Tom Ellis, President

A person shall not operate a Personal Watercraft on the waters of this state during the period that begins one hour before sunset and ends at 8 a.m. Please note that local ordinances supersede the state law. On Horsehead Lake and the John Brown's SLOW - NO WAKE LAWS ARE STILL IN EFFECT from 7:30 p.m. to 11:00 a.m.

Horseshoe Lake Corporation
Washtenaw County
Carl Graf, President

- Boat Registration Required -

Boats and personal watercraft must be registered for all boats owned by members of the Horseshoe Lake Corporation. A Boat Sticker will be assigned and must be located on the watercraft.

In order to register your boat, certain information is required to identify your watercraft. **A copy of the registration form for any boat required to be registered with the State of Michigan is also required before a sticker will be assigned.** The speed of your motor is also required.

If you have a guest wit a boat, your guest is required to have in his/her possession a signed "Guest Pass." The HLC Member is fully responsible for any rule violations involving his/her guest. The privilege of allowing guests on the lake should not be abused with "blanket" passes. Members should be present with their guest, otherwise they could be considered trespassing. Remember a "guest" is a person INVITED by a member to his/her home. You're not a "guest" just by knowing someone on the lake. **Also, Gate Keys should not be given to the Guest to enter the lake. The member is responsible for the key assigned to them!**

Klinger Lake Association
St. Joseph County

- Lake Monitoring -

This year your Klinger Lake Association has volunteered to participate in another sampling program sponsored jointly by the DEQ and the Michigan Lakes and Stream Association. The program will monitor chlorophyll levels in the Lake on a monthly basis from May through September. Chlorophyll is the green photosynthetic pigment in the cells of plants. By measuring chlorophyll concentrations an estimate can be made of the relative amount of algae in the Lake. This is the principal factor affecting the clarity of our Lake water. A distant secondary factor is turbulence caused by boating and other activity on the total phosphorus and Secchi disk transparency measurements, will provide a relatively accurate estimate of our Lake's productivity. (Nutrient level)

Lake Fenton POA,
Genesee County
George Dybell, President

- Lake Fenton Has New Web Site -

Lake Fenton P.O.A. now has a web site. The site is hosted by ML&SA. The residents, with internet access, can view our new page at: http//www.mlswa.org/lake-fenton-504 Our web site is a "work in progress" that is frequently changing. Since "Father's Day", the web site has been updated several times and the magnitude of the desired information to share, is considerable. The object is to share valuable lake information and activities with our residents and other interested individuals.

Take a look. Watch your site change. Your comments, your assistance, are invited and welcomed.

Lake Margrethe POA
Crawford County
Joe Porter, President

Doug Dosson, Attorney – specializing in water rights. Dosson represents Grayling Township and 22 other townships in MI. He has also been recently appointed to serve as a Probate Judge in Roscommon County. Dosson said that he feels his extensive experience with water rights benefits him and gives him a total perspective on the issues of Riparian rights and ownership, both public and private.

He prefaced his talk with "what can and what can't you do on the water?"

Can:

- Courts say that Road Ends can be used only for the purpose of accessing the water, not for recreational purposes.
- There may be no obstruction to these access points.
- There may be one public dock erected but private, nonexclusive docks are not permissible. The dock must also be insured against a wide variety of public nuisances by the person/ persons erecting it.
- Most townships will not erect such a dock nor will they pay to insure it.
- While a Riparian owner may have several boats moored on their waterfront, others may not unless they own Riparian property.

Cannot Do:

- permanent mooring. Dosson said that 'overnight' is considered permanent.
- cannot take over a public area i.e. road end for a private use.
- one dock only, not 2-3 or more.
- park vehicles or trailers on road ends.

Moon Lake Riparian Association
Gogebic County
Jim Reiels, President

- Ottawa Visitor Center -

The Ottawa Visitor Center is a mecca of educational and recreational opportunities for tourists, students and residents. In addition to providing regional information the center also provides series of exhibits, sale items and a video presentation regarding the Ottawa National Forest. (A new video presentation has just been completed through the financial grant from the Ottawa Interpretive Assn.) This summer the Headwaters Art League is exhibiting the works of seventeen local artists at the Center; these works are for sale as well. All proceeds from sales are utilized for interpretive and educational projects within the Ottawa Forest.

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Morton Township
Tri Lakes Association
Mecosta County
John Cummings, President

- Septic Systems — Do's and Don'ts -

- Know where your septic tank and your drain field is located.
- Vehicles and other heavy objects and activities should be kept from the drain field area.
- Avoid planting deep rooted plants/trees, paving or building structures over the drain field.
- Install a screen/filter on the septic tank outlet to prevent carryover of solids into the drain field.
- Divert roof runoff, footer drains, sump pumps and other surface runoff away from the drain field.
- Be alert for foul odors in your home, slow or backed up drains and wet, spongy ground or lush plant growth.
- Repeated intestinal illness in your family — have your drinking water tested annually for coliform bacteria and nitrates.
- Do not dispose of tissues, diapers, cigarette butts, sanitary napkins or other solid wastes in the toilet.
- Avoid using a sink disposal wherever possible; Excessive grease fats and coffee grounds will clog your system.
- A septic system is not designed to neutralize paints or solvents, acids, oils, and pesticides.
- Have septic tank pumped and inspected at least every 3 to 5 years.
- Chemical products advertised to improve a septic system cannot replace routine pumping and may even be harmful.
- Reducing water volume improves treatment effectiveness and system operation. Low-flow toilets, shower heads and faucets are helpful.
- Wait until dishwashers and washing machines have a full load before running & use liquid soap.
- Adjust water softener to reduce water needed for back-washing and regeneration.
- Repair leaky faucets.
- Spread out laundry and other major water-using chores over the week.

Runyan Lake Association
Livingston County
Ivan Quinn,President
(810) 629-7986

- A Trend For The Future? -

Based on emission control, all but one personal watercraft (the fuel injected Polaris Genesis FFI) are banned from Lake Tahoe beginning June 1, 1999. The restriction will limit pollution emissions by motorized boats and personal watercraft to meet every environmental restriction set by TRPA and the EPA through the year 2006.
(Lake Tahoe Business wire dated May 28, 1999.)

Twin Lakes — Wayne Township
Cass County
Sue Vomish, President

In a recent article entitled "Pier Pressure" which appeared in the South Bend Tribune, numerous assumptions and claims were made which mislead the public. Some of the claims were:

1. Cass County owns about 10 feet of the Beach between private homes and the water's edge at Twin Lakes.
2. That the County Road Commission must approve pier permits.
3. Streets and alleys in the Twin Lake's subdivisions go to the water's edge.
4. The township supervisor claimed that the "beaches are publicly owned."
5. Docks permitted to be installed out into the lake would "be dedicated for public use."

Based upon these assumptions, the County Road Commission has established a policy of issuing a pier permit to any person for an annual fee of $10.00.

The Wayne Township Board asked the County Road Commission to delay in issuing permits until they were able to research the facts about installation of piers. They were rebuffed by the Commission, stating that "they are bound by state statue to adhere to their policy."

The problem with the above assumptions is that no one took the time to read the dedication of the subdivisions surrounding the lakes. As an example, the TWIN SHORES subdivision provides:

"**...the streets and alleys as shown on said plat are hereby dedicated to the use of the public, and the parcels designated as Parks and Beaches are hereby dedicated to the use of the owners of lots in this subdivision.**"

The other subdivisions around Twin Lakes have similar dedications. These dedications are contradictory to the assumptions listed above.

ML&SA Board Approves Regional Second Vice Presidents

The job of the Second Vice President is to assist the First Vice President, to perform special tasks needed in the region, and to attend meetings of the Board when the first Vice President is unable to do so.

2000 ANNUAL CONFERENCE NOW IN PLANNING STAGE

Michigan Lake & Stream Associations is a Volunteer organization. Volunteers are a key part in the organization's present and future programs and development.

Volunteers are key to ML&SA as we develop and produce the conference. As the 39th Conference nears, to be held at Treetops Resort, at Gaylord, we would like you to consider taking an active part in it's development. The conference duties are divided into eight or more committees, such as Registration, Program/Speakers,Publicity, Hospitality, Exhibitors, Decorations, Sales, Fund Raising and Resource Materials. We would appreciate hearing from you with your ideas and which committee you would be interested in serving on.

Consider sharing your talents and abilities with ML&SA. Your home can be your work place. For more information contact Conference co-chairs Joe Landis at 517.332.6004 or Pearl Bonnell at 517.257.3583. Email info@MLSWA.ORG

ML&SA Endowment Fund

ML&SA has an endowment fund in association with the Kalamazoo Foundation, which was founded in 1925 and is one of the largest Community Foundations in the country.

1. ML&SA Endowment Fund has the advantage of being invested in a large pool of secured assets which can lead to greater growth and lower costs.
2. All accounting and financial reporting is managed by the Kalamazoo Foundation.
3. The Michigan Community Foundation Tax Credit (equal to 50% of the donation) will apply to all permanently endowed gifts.
4. All gifts are tax deductible at the highest levels allowed.
5. The ML&SA Endowment Fund offers donors more sophisticated planned giving devices such as gifts, annuities, and pooled income funds.

The endowment's income will be used in the following areas:

1. Scholarship funding for students
2. Water quality studies for member lakes.
3. Public educational projects on water quality.

Contact Jerry McCoy for more information at 1.800.872.8409

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Wetland Assessment Program

The Michigan Department of Environmental Quality (MDEQ) began implementation of a new Wetland Assessment Program in July 1998. The program offers three levels of service to assist the public in identifying wetland and upland areas on their property. A Wetland Assessment program is mandated by Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. The statute also authorizes the MDEQ to assess fees for these services.

The services and fees were developed based on the MDEQ's experience with wetland determinations in the past and on estimated costs of the services to be provided. The three-level structure will provide the public with a choice of services depending on their individual needs.

Individuals interested in the service will be required to submit an application to the MDEQ indicating the level of service desired, a description of the area to be assessed, and the associated fee. The proposed levels of service and associated fees are as follows:

1. MDEQ personnel will conduct an in-office review of readily available information on an identified area of land, including maps showing the approximate location of wetlands in the given area. Staff will provide applicants with copies of available maps, a general interpretation of the maps, and other helpful information regarding the regulatory process and wetland protection, such as permit applications, consultant lists, and property owner's guidebooks. The fee for this type of request is $50.
2. MDEQ personnel will conduct an on-site assessment of an identified area of land to determine the presence or absence of wetlands. Staff will provide a written report of their findings, including a map showing the apparent location of wetland and upland areas, and information regarding the regulatory process. The report will include a statement that the MDEQ lacks jurisdiction over those areas classified as uplands for three years from the assessment date. This service does not require delineation or marking of the wetland boundaries prior to the MDEQ's assessment, but does require marking of the land area to be assessed. The fee is $200 for areas of one acre or less and $50 for each additional acre of land to be assessed.

3. MDEQ personnel will conduct an on-site assessment of an identified area of land to confirm specific wetland boundaries established by a wetland consultant. Staff will review the staked and/or flagged boundaries and submit a written report of their findings to the applicant. This service will provide a higher level of confidence for the location of wetlands on the subject property, as well as provide a three-year guarantee that the MDEQ lacks jurisdiction over those areas identified as uplands. This service requires delineation, marking, and mapping of the wetland boundaries prior to the MDEQ's assessment. The fee is $150 for areas of one acre or less, and $15 for each additional acre of land to be assessed.

If recent disturbances (e.g., lack of vegetation, disturbed soils, drainage diverted, etc.) or winter weather conditions prevent MDEQ personnel from making an assessment, a report specifying the reasons will be submitted to the applicant. If winter weather conditions prevent an accurate Level 2 or Level 3 assessment from being completed, the application and submitted fee will be returned. Applications for assessments will be processed beginning April 1 of each year. Level 1 assessments are conducted year-round.

Wetland assessment applications are available from the MDEQ, Land and Water Management Division, Inland Lakes and Wetlands Unit, P.O. Box 30458, Lansing, Michigan 48909-7958. Questions concerning the Wetland Assessment Program should be directed to Ms. Wendy Veltman, Inland Lakes and Wetlands Unit, at 517-241-8485, or at the preceding address.

Prepared by: Stu Kogge
Inland Lakes and Wetlands Unit
Land and Water Management Division
517-335-3457
February 4, 1999

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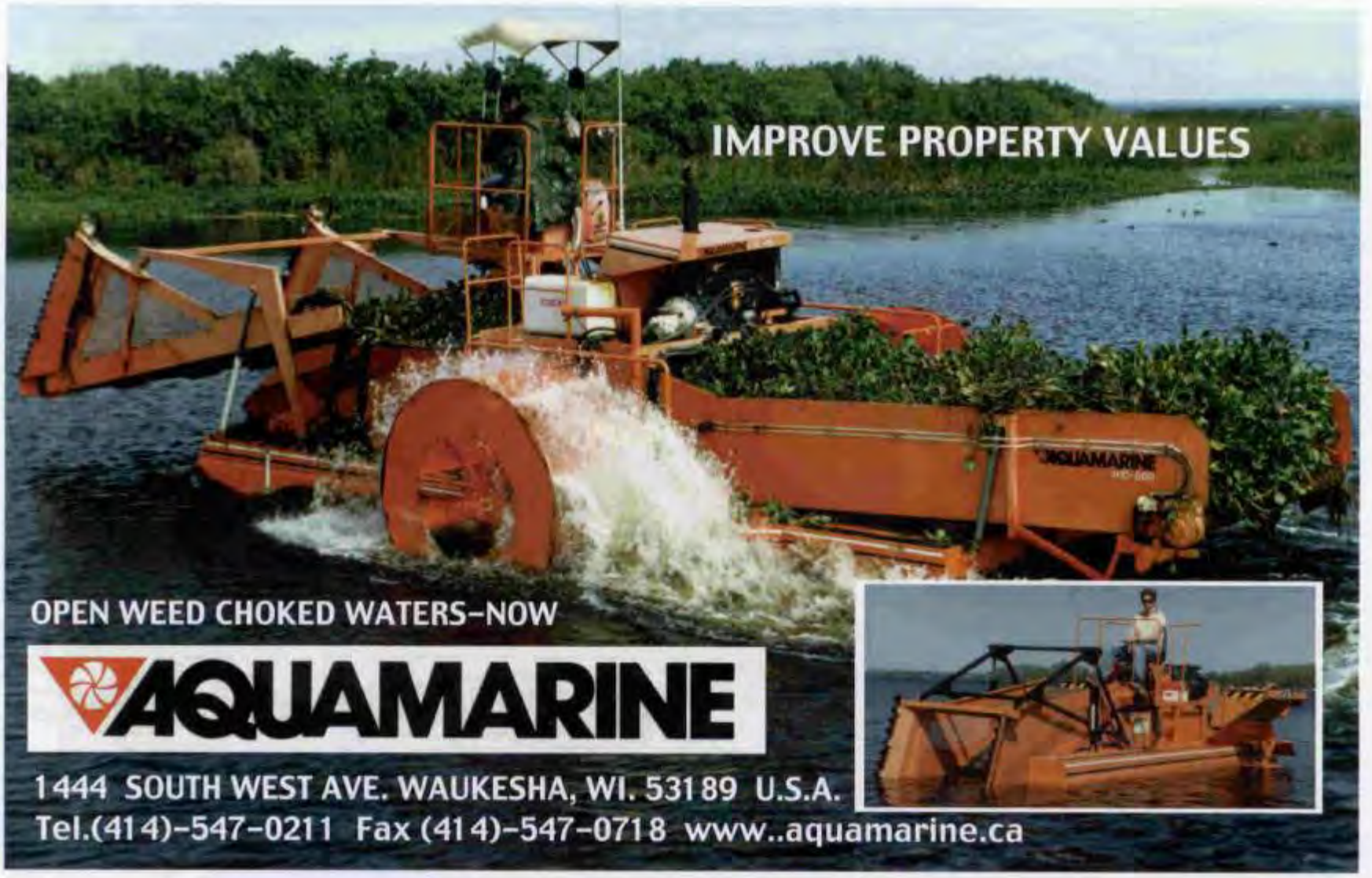

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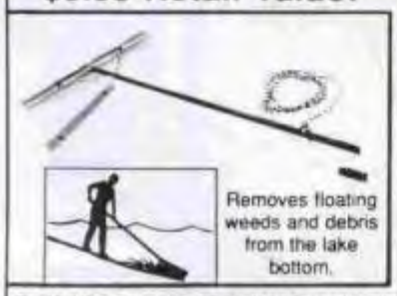

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