



Michigan Lake & Stream Associations

E-Newsletter for November 2011

State Senate To Consider Legislation Restricting Activity at Public Road Ends **Senate Bill 778 Seeks to Restore Safety and Order to Our Inland Lakes and Streams**

Following decades of well publicized legal wrangling and high profile court cases whose decisions are known to Michigan's legion of well informed riparians, the Michigan State Senate will soon consider legislation that, if passed and signed into law, would clearly define and restrict activity at the thousands of public road ends that terminate at inland lakes and streams. Senate Bill 778 cleared the Judiciary Committee and was reported to the full Senate on November 1st. A House of Representatives version of the legislation is expected to be introduced soon.

As approved by the Senate Judiciary Committee, the language of the bill states that "a public road end shall not be used for any of the following unless a recorded deed, recorded easement, or other recorded dedication expressly provides otherwise:

- **construction, installation, maintenance, or use of boat hoist or boat anchorage devices;**
- **mooring or docking of a vessel between 12 midnight and sunrise;**
- **any activity that obstructs ingress to or egress from the inland lake or stream."**

In addition, the bill states that "**a public road end shall not be used for the construction, installation, maintenance, or use of a dock or wharf other than a single seasonal public dock or wharf that is authorized by the local unit of government.**" Violators would be guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

Michigan Lake and Stream Associations enthusiastically supports the expedient passage and enactment of this long overdue legislation that seeks to provide a simple, pragmatic and equitable solution to the myriad of social, legal and resource management issues that frequently arise at heretofore unregulated public road ends. We strongly suggest that the riparian readers of this newsletter immediately contact their respective state senators and representatives to encourage their support for this important legislation - passage of Senate Bill 778 is by no means guaranteed, please add your voice to those of the [Michigan Waterfront Alliance](#) and [Michigan Lake and Stream Associations](#) now to help ensure that a modicum of responsibility, civility as well as law and order are re-established next summer on our priceless inland lakes and streams. We may not have a second opportunity to accomplish this important legislative goal - act now, pick-up the telephone or e-mail your senators and representatives today ! See page two of this newsletter to learn more about Senate Bill 778.

PLEASE DONATE TO MICHIGAN LAKE AND STREAM ASSOCIATIONS **Take Full Advantage of Federal and State Charitable Donation Tax Deductions**

Ladies and gentlemen, we need your financial support now so that we may continue working on your behalf. What value do you place on an organization that has played such a critical role in protecting the riparian property rights you continue to enjoy as well as in contributing a unified voice to the wise management of Michigan's wealth of inland lakes and streams? Your end-of-the-year donation will go directly to funding our on-going operations as well as important projects that will have direct impact on preserving our freshwater resources and in protecting your constantly challenged riparian rights. As many of you know, 2011 marks the last year that charitable donations will be deductible on your state tax returns. Federal tax deductions for donations to qualified 501(c)3 (like Michigan Lake and Stream Associations) organizations will continue into the foreseeable future. To make a tax deductible donation to Michigan Lake and Stream Associations, [click here](#) .

Summary of Michigan Senate Bill 778

PUBLIC ROAD ACCESS TO LAKES & STREAMS

Senate Bill 778

Sponsor: Senator Mike Kowall

CONTENT

The bill would amend Part 301 (Inland Lakes and Streams) of the Natural Resources and Environmental Protection Act to specify that, unless a recorded deed, recorded easement, or other recorded dedication expressly provided otherwise, a public road end could not be used for any of the following purposes: construction, installation, maintenance, or use of boat hoists or boat anchorage devices; mooring or docking of a vessel between midnight and sunrise; or any activity that obstructed ingress to or egress from an inland lake or stream.

A public road end also could not be used for the construction, installation, maintenance, or use of a dock or wharf other than a single seasonal public dock or wharf that was authorized by the local unit that had jurisdiction over the public road. This provision would not prohibit any use that was expressly authorized by a recorded deed, recorded easement, or other recorded dedication, but would not permit any use that exceeded the uses authorized by the deed, easement, or dedication, or a court order. A local unit with jurisdiction over a public road could prohibit a use of a public road end that violated the bill.

A violation of the bill would be a misdemeanor punishable by up to 90 days' imprisonment and/or a maximum fine of \$500. Each 24-hour period in which a violation existed would constitute a separate violation. A peace officer could issue an appearance ticket, as authorized in the Code of Criminal Procedure, to a person who violated the bill. The bill specifies that it would not prohibit a person or agency from commencing a civil action for conduct that violated it.

The bill would define "public road end" as the terminus of a public road at an inland lake or stream. "Public road" would mean a county road or a township, city, or village street that is open for use by the public.

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed misdemeanor offense. Local governments would incur the costs of incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Will You Elect Local Government Officials Who are “Pro-Lake?”

Local Governance is Critical to Responsible Lake Management



by Paul J. Sniadecki, President, Eagle Lake Improvement Association, Inc.



The next general election is only 12 months away, and most local municipalities in Michigan will elect to retain or to bring new faces and ideas to their governing bodies in early November of 2012. We should never underestimate how effective a local municipality (a township, city, or village) can be in protecting local lakes, if progressive, conservation oriented people are elected to the governing body. The overall impact on lakes (whether positive or negative) can be dramatic. Local governments can pursue pro-lake policies through progressive zoning ordinances and/or their master plans – they possess well established legal authority to pass ordinances and policies that regulate storm water runoff, lake access and public road ends, dock placement and public boat launch facilities, lakefront residential and commercial development, natural shoreline preservation and restoration, create local environmental committees as well as develop and implement local natural resources conservation guidelines.

Unfortunately, in some townships with lakes, it is difficult to elect pro-lake officials since the majority of riparian property owners are not residents (and hence, are not locally registered voters). There are also many instances of non-riparians sitting on the township board who are not particularly sympathetic to lake issues. In other townships, riparians have no such excuse, as there are sufficient riparian voters to be able to elect township boards comprised entirely of pro-lake people, but this rarely occurs, primarily due to apathy among riparians.

Now is the time to assess your local situation and make plans to bring about the needed changes to your local governing body. All riparians should determine which current local officials merit “retention”, and which ones need to be voted out. Riparians with basic leadership ability should be identified and encouraged to run for office. Do not accept lack of governmental “knowledge/experience” as a barrier or as an excuse - the Michigan Townships Association, the Michigan Municipal League, the Michigan Association of Planners as well as Michigan State University conduct training classes and seminars for those involved in and/or for those interested in serving in an official municipal government capacity. These training events occur throughout the year and in many convenient locations throughout the state of Michigan.

Please visit the following websites of the aforementioned organizations and educational institutions that offer outstanding and affordable training opportunities for those considering a run for local elected office.

Michigan Township Associations: <http://www.michigantownships.org/training.asp>

Michigan Municipal League: <http://www.mml.org/events/index.html>

Michigan Association of Planners: http://www.planningmi.org/events_2.asp

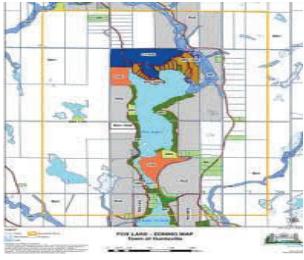
Michigan State University Citizen Planner Program: <http://citizenplanner.msu.edu/>

MSU Institute of Water Research: <http://35.9.116.206/IWR/VU/modules/drain/drain.asp>

In addition, folks interested in running for local government office can find helpful information regarding election filing deadlines and Candidate Petition Requirements for 2012 by visiting:

http://www.michigan.gov/sos/0,4670,7-127-1633_8721_11839--,00.html

Editor's Note: This is the first of a year long series of articles that will appear in this newsletter regarding the upcoming general election. As Mr. Sniadecki has so effectively illustrated in his article, local elections in particular present Michigan voters with an outstanding opportunity to foster constructive, community-based pre-election discussion and debate focused on the important role of local government in the wise management of Michigan’s wealth of lake and stream resources. The significance of this discussion is highlighted by the fact that very few local governments in Michigan have effectively exercised their state legislature granted authority to contribute to the preservation and protection of our inland lakes and streams. **You** and your neighbors are uniquely empowered to affect the outcome of local elections and the future of your favorite lake or stream!



Does Your Local Government Have Zoning or Civil Ordinances in Place to Protect Your Lake?

Please share any information you may have regarding local government lake zoning and / or ordinances - your assistance will help benefit inland lakes throughout the state !

Please respond today to president@eaglelakemichigan.org or call 269-329-8320

"Lake Friendly" Ordinances: Does your Township/City/Village have Zoning or Civil Ordinances in place that protect your lake? Do the ordinances address lake management or riparian issues such as:

- Building Set Back Requirements from the High Water Mark
- Natural Buffer Strip Requirements to Encourage Natural Shorelines
- Minimum Lot Line Width at Water's edge of at least 100 feet
- Number of Boats permitted per lot
- Length/Number of Docks per Riparian Lot
- Requirements to Encourage Native Vegetation
- Anti-Funneling/Anti-Keyhole Provisions
- Wetland Preservation Requirements
- Square Footage, or (%) Percent of Lot Size, Limitations for Impervious Surfaces
- Roof Downspout and Impervious Surface Drainage Control
- Concrete/Metal Seawall Construction/Repair Restrictions

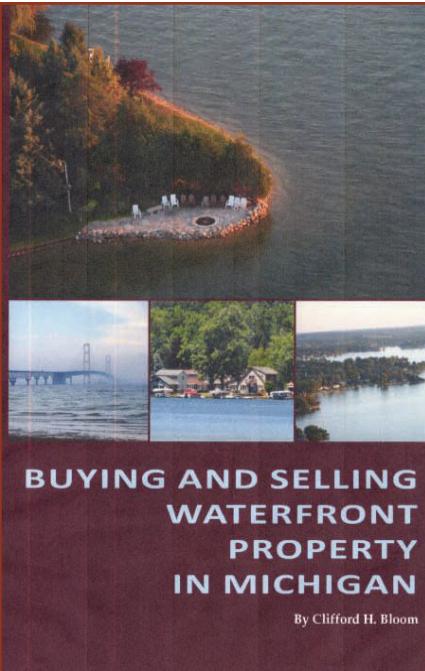
A full-field study is now underway in Michigan of existing "Lake Friendly" ordinance provisions. Your input is vital to success. Your message can be as simple as providing the township name and reporting: "We Have Some or one!" The project worker will do the rest. Your sharing of information is part of a **MSU Master Citizen Planner** project that will be presented to the DEQ led **Michigan Natural Shoreline Partnership** and the **Michigan Lake and Stream Associations** (ML&SA). Any and all feedback is welcome. Results of this crucial study will be shared with all Michigan riparians in the future. The desired outcome is an up-to-date resource to help protect every lake in every Township / City / Village.

Words to the Wise...



"Defenders of the short-sighted men who in their greed and selfishness will, if permitted, rob our country of half its charm by their reckless extermination of all useful and beautiful wild things sometimes seek to champion them by saying the 'the game belongs to the people.' So it does; and not merely to the people now alive, but to the unborn people. The 'greatest good for the greatest number' applies to the number within the womb of time, compared to which those now alive form but an insignificant fraction. Our duty to the whole, including the unborn generations, bids us restrain an unprincipled present-day minority from wasting the heritage of these unborn generations. The movement for the conservation of wild life and the larger movement for the conservation of all our natural resources are essentially democratic in spirit, purpose, and method." - Theodore Roosevelt, 1916

"Isn't buying and selling waterfront property in Michigan virtually the same as purchasing or selling any other real estate? Absolutely not! There are many issues associated with waterfront properties in Michigan that are not present with other real estate. Anyone who does not appreciate (and plan for) those differences regarding a purchase or sales transaction involving a waterfront property does so at their own significant risk." - Clifford H. Bloom, Attorney-at-Law



The Michigan Lake & Stream Associations, Inc. ("ML&SA") is pleased to announce its new book entitled ***Buying and Selling Waterfront Property in Michigan*** by renowned riparian and water law expert, Grand Rapids Attorney Clifford H. Bloom.

This new book is a "must" for anyone who is interested in waterfront property in Michigan. The list of people who should purchase the book includes not only riparians (and would be riparians) but also realtors and real estate agents, attorneys, government officials, surveyors and teachers. This book is a "how to" publication that deals with numerous real estate and waterfront issues. The book is 264 pages in length - this is an extensive review of the knowledge you need to prepare yourself before proceeding with a waterfront real estate transaction !

The purchase price is \$20.00 plus shipping and handling. However, quantity based discounts are available. The following is an order form that you can use to purchase one or more copies of the new book. If you are interested in obtaining pricing for group or bulk purchase discounts, please send either an email to the Central Office manager Sharon Wagner via e-mail at swagner@mlswa.org or call (989) 831-5100.

To order ***Buying and Selling Waterfront Property in Michigan***, please complete and mail the order form seen below.

Buying and Selling Waterfront Property in Michigan **Book Order Form**

Send your check made payable to **Michigan Lake & Stream Associations** with this order form to:

**Michigan Lake & Stream Associations
306 East Main Street
Stanton, Michigan 48888**

Name (please print): _____

Address: _____
Street or P.O. Box Number

City _____ State _____ Zip Code _____

Email address: _____

Telephone number: _____

Please select:

: 1 book @ **\$20.00 ea.** plus \$6.00 S/H = \$26.00

: 2-3 books @ **\$20.00 ea.** plus \$12.00 S/H (2 Books = \$52.00; 3 books = \$72.00)

: 4-9 books @ **\$17.50 ea.** plus \$15.00 S/H (Ex.: 8 books. x \$17.50 = \$140.00 + \$15.00 S/H = \$155.00)

**Join the ML&SA Team ! Your Individual Membership Helps Pay for
Our Programs and Makes You Part of a Unified Voice for the
Preservation and Protection of Michigan's Inland Water Resources !**



Michigan Lake and Stream Associations. Inc.

306 East Main Street, Stanton, Michigan 48888

Phone 989-831-5100

e-mail: info@mlswa.org

www.mlswa.org



2011 INDIVIDUAL MEMBERSHIP APPLICATION / RENEWAL FORM

Annual Membership dues are \$35.00 and includes a one year subscription to The Michigan Riparian magazine

PLEASE PRINT

Name _____

Address _____

City _____ State _____ Zip _____

Date _____ Phone (_____) _____ Email _____

New Member Renewal

Check or Money Order # _____ Amount \$ _____

MasterCard Visa Discover American Express Amount \$ _____

Credit Card # _____ / _____ / _____ / _____ Exp. Date _____

Signature as it appears on credit card _____

Make Checks Payable To: ML&SA

**Mail To : MICHIGAN LAKES AND STREAM ASSOCIATIONS
306 East Main St.
Stanton , MI 48888**

Michigan Lake and Stream Associations, Inc. is a qualified 501(c)3, non-profit organization. Please consider making an additional donation which will be deductible on your itemized federal and state income tax returns.

For ML&SA Office Use Only

2011 Membership Receipt for: _____

Assn. No. _____ Date Rec'd. _____ Check No. _____ Amount \$ _____

Michigan Lake and Stream Associations

50 Years of Working with You as a Partner to Protect our Water Resources for Future Generations

SUMMER
2011



THE MICHIGAN RIPARIAN

Vol. 46 No. 3

www.mi-riparian.org

RIPARIAN (ri'-pair-ee-en) adj. Relating to or living or located on the bank of a natural watercourse, such as a river, or of a lake or a tidewater.

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



Muskegon River is approximately 220 miles in length. It is the second longest river in Michigan. The Muskegon River Watershed is over 2,700 square miles, larger than the state of Delaware (1,955 sq. mi.). Its mainstream passes through the counties of Roscommon, Missaukee, Clare, Osceola, Mecosta, Newago and Muskegon with an estimated population of 450,000 people.

"For over forty five years, **The Michigan Riparian Magazine** has served as our state's only quarterly publication dedicated to the unique issues and interests of those fortunate enough to reside on waterfront properties. The magazine's historical archive portrays a rich chronicle detailing the life and times of the people, politics, science and issues that have defined Michigan's storied waterfronts for nearly half a century."

To subscribe to this unique and affordable publication dedicated to Michigan's freshwater resources, visit

www.mi-riparian.org



MICHIGAN NATURAL SHORELINE PARTNERSHIP

Promoting Natural Shoreline Landscaping to Protect Michigan's Inland Lakes

PARTNERSHIP OBJECTIVES

- Train contractors and landscape professionals about natural shoreline technologies and bioengineered erosion control.
- Educate property owners about natural shorelines and technologies that benefit lake ecosystems.
- Research, demonstrate, and develop natural shoreline technologies that benefit lake ecosystems.
- Encourage local and state policies that promote natural shoreline management.

MEMBERS

- JFNew, Inc.
- Mich. Assn. of Conservation Districts
- Mich. Chapter of the North American Lake Management Society
- Mich. Dept. of Environmental Quality
- Mich. Dept. of Natural Resources
- Fishbeck, Thompson, Carr & Huber
- Mich. Lake and Stream Assn.
- Mich. Native Plant Producers Assn.
- Mich. Nursery and Landscape Assn.
- Mich. Sea Grant College Program
- Mich. State University Dept. of Horticulture
- Mich. State University Institute of Ag Tech
- Mich. State University Extension
- Tip of the Mitt Watershed Council
- Trident Dock and Dredge



Trident Dock and Dredge



MI DNRE Photo Dave Kenney

Natural shoreline landscaping is the use of ecological principles and practices to reduce erosion and achieve the stabilization and safety of shorelines, while enhancing habitat, improving aesthetics, and saving money.





MICHIGAN WATERFRONT ALLIANCE
P.O. Box 369
Fenton, Michigan 48430-0369



WE LOBBY TO PROTECT MICHIGAN'S LAKE AND STREAMS. THAT'S WHAT WE DO.

We are asking you to join or renew your membership to Michigan Waterfront Alliance (MWA). By doing so, you can help in a statewide effort to protect Michigan's lakes and streams. MWA lobbies state government on a wide variety of issues that affect our water resources, such as road-end access, funding for the state's permitting system, marina regulations, septic upgrade regulations, phosphorus fertilizers, and much more.

You know how it works. When the legislature is pushed to weaken water resource protection measures, they will do just that—unless we speak out to protect our lakes and streams. It is difficult for one person or one lake association to carry the burden of protecting 11,000 lakes. And though we'd like to think that right will always prevail, one lone voice is not enough to get the attention of the leaders in state government. That is why we must join together to make our collective voice heard in Lansing. These efforts were utilized in getting legislation passed, this year, to restrict use of phosphorus fertilizer on turf.

To get our message out, we retain professional lobbyists who are skilled and experienced in issue advocacy. While this expertise is very effective, it is also costly. As such, we ask you to join or renew your individual membership for \$50, Lake Association membership for \$100 or your Corporation membership for \$200 per year.

Please note the line "MWA Legal Assistance Fund" on the enclosed return envelope and form. After costly filing on two (2) Amicus Briefs (Appellate court and Supreme Court) and direct mail fundraising campaigns (to Lake Charlevoix residents), MWA incurred a total cost of over \$3000 on just this one case regarding the loss of riparian rights by court action. The MWA Board of Directors voted, last December, to create a MWA Legal Assistance Fund to provide the funds to support significant legal cases relevant to the mission of MWA. Funds will be disbursed in a manner consistent with MWA bylaws.

We need to build this Legal Assistance Fund as soon as possible. **Please be as generous as you can.**

Your past understanding and support has been appreciated and necessary in order to continue a professional campaign for water resource protection.

Please send back the application below plus give a copy to a like minded neighbor or friend.

Sincerely,
MWA Board of Directors

Michigan Waterfront Alliance Membership Application

(Jan '11-ML)

Annual Dues: Individual Membership - **\$50.00** Lake Associations - **\$100.00** Corporations - **\$200.00**

Please print:

Name _____ Date _____

Street _____

City _____ State _____ Zip _____

County _____ Phone _____

E-mail _____

Township _____ Lake / Stream Association _____

Make checks payable to: **Michigan Waterfront Alliance**

Send dues and contributions to:

Michigan Waterfront Alliance

PO Box 369

Fenton, MI 48430

www.mwai.org

Individual Member (\$50): _____

Lake Association (\$100): _____

Corporation (\$200): _____

Legal Assistance Fund: _____

Other donation: _____



Michigan Lake & Stream Associations



E - Newsletter

www.MyMLSA.org

November 2011

Michigan's Lakes - Ours To Protect !



Cooperative Lakes Monitoring Program

Enrollment for the 2012 Season
Began on October 1st, 2011

Contact Jean Roth, ML&SA Program Administrator
at 989-257-3715 or e-mail jroth@mlswa.org
or Enroll On-Line at

www.micorps.net

Michigan Inland Lakes Partnership

"Promoting collaboration to advance stewardship of Michigan's inland lakes."



To learn more about the Partnership, visit
www.michiganlakes.msue.msu.edu

Michigan Chapter, North American Lake Management Society

"The Michigan Chapter of the North American Lake Management Society (McNALMS) is a group of professionals, practitioners, and interested citizens, who care about the preservation and wise management of Michigan lakes." For more info visit -

www.mcnalms.org
for more information

The most comprehensive publication ever written about lake associations !

Now Available from our Central Office

An ML&SA Publication

Contact Sharon at 989.831.5100
or e-mail swagner@mlswa.org



Michigan Lake Associations— The Nuts and Bolts

By Clifford H. Bloom



Order Your Copy Today !

Recommended Web Site of the Month

The recommended on-line resource for the month of November is the resource rich website of the Tip of the Mitt Watershed Council located in Petoskey. Since 1979, this organization has been a leader for water resources protection in Antrim, Charlevoix, Cheboygan, and Emmet Counties by working to "maintain the environmental integrity and economic and aesthetic values of lakes, streams, wetlands, and ground water." The website contains a wealth of free downloadable documents dedicated to preserving and protecting water related resources. For those interested in learning more about Michigan's vast wealth of lakes, streams and wetlands, particularly those located in northwest lower Michigan, point your browser toward

www.watershedcouncil.org