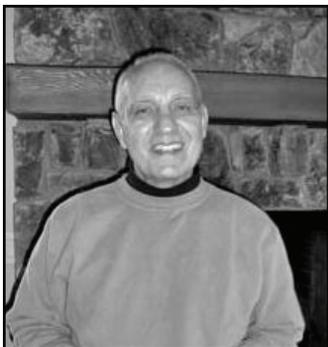


Elk-Skegemog Lakes Association

DECEMBER, 2008

Introducing the New ESLA President



Pete DiMercurio became the newest ESLA President at the completion of President Dean Ginther's two-year term in August..

Born in Saginaw, Pete is a native of Michigan, where he attended parochial schools and completed his undergraduate degree at

Eastern Michigan University and Saginaw Valley State University .

Pete married Kathy Goetz, his high school sweetheart, prior to entering the U.S Army as a second lieutenant of Infantry. He professional soldier and Airborne Infantry Officer for 25 years, primarily in the 1st Infantry Division, 82nd Airborne Division, and 101st Airborne Division (Air Assault). Pete received advanced graduate degrees from Salve Regina

University and the Naval War College. He was most recently a Financial Advisor at Merrill Lynch following his military retirement.

Pete and Kathy, long time ESLA members, purchased a cabin in 1971 on Elk Lake to provide roots for their children during his military service. While he may have been a commander at various levels in peace and combat, Pete knows that he has always been and continues to be Kathy's executive officer.

President's Message--Accepting the Challenge and Opportunity

I, my wife Kathy, and family have been part-time residents for over 30 years and experienced a wealth of memories at our

cabin on Elk lake. Our cabin was, in essence, our home each summer to Kathy and our children as we traveled to military in-

stallations both state-side and abroad. To that end, I decided I could best repay the many years of joy experienced by my family on Elk Lake

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What is Your Riparian IQ?

True or False; adapted from the Grass River Current, Vol. 24, Issue 2.

1. Lakes that have been polluted can always be restored to the original water quality?
2. If water is clear, then it's clean and safe?
3. Planting a riparian buffer of trees, shrubs, native wildflowers and grasses has multiple benefits for lakes and stream ecology?
4. My household is the only one that has access to the ground water supplying my well?

1) F; 2) F; 3) T; 4) F

President's Message (continued from pg. 1)

by volunteering to be President of ESLA.

I have periodically reviewed and most recently immersed myself in ESLA's rich history as one of the oldest and leading riparian/lake associations in the state of Michigan.

Many of the names I came across in the ESLA archives were familiar from having read the ESLA newsletters wherever I received them as a soldier. Choosing to pursue the presidency from outside the confines and experience of the existing Board, I took the opportunity to speak to several of our past presidents in an attempt to gain insight on different issues and opinions relative to accomplishing our mission in support of all ESLA members. Additionally, I have the good counsel of our outgoing president, Dean Ginther, as he continues to serve the ESLA Board in a number of important capacities.

As a general observation, ESLA is in good shape. Our website is one of the better lakes association websites I have experienced. Financially, the organization is sound. Our Board members are talented, sincerely committed, knowledgeable, and willing to assist, as necessary, in pursuit of our by-laws serv-

ing our ESLA members and riparian owners. The ESLA Gift Giving and Endowment Fund (two separate entities) provide an opportunity to further pursue

“Most of all, if you are an ESLA member, thank you and, if you are not, please join us, as we need you behind us as we lead from the front.”

issues which are of concern and interest to ESLA and or directed by the donor.

I have concluded that our approach for this year and beyond should be very fundamental-- accomplish what we do best and what we are chartered to do, in our by-laws, by focusing on three key elements.

Water quality--a most observable and alternately invisible element, which encompasses protecting/preserving the environment of the Elk-Skegemog watershed; assisting in solving problems common to members concerning lake levels, water safety and overdevelopment of the waterfront; continuing to cooperate with federal, state, townships, and counties; and lastly; support area networked conservation organizations serving our geographical area and watershed.

Membership--assure that ESLA membership is offered to all riparian owners in the ESLA zones and include non riparian owners, organizations and corporations which support our mission. Grow our membership to achieve 100% riparian owners by a concerted and continuous outreach effort to all existing and new riparian owners.

Education--promote an understanding of the rights and responsibilities of owners of riparian lands. Integral to this element will be the interaction of ESLA Board members with governmental entities, particularly at the local township level. In addition, riparian owners should know they can reach out to their zone Captain and the Board as necessary.

The key to accomplishing these three goals will be communication in the many forms available to ESLA, including our Newsletter and website. I am committed to keeping you informed of the issues that affect ESLA and riparian owners. The current and future challenges are many and include: the Elk Rapids Hydro Dam and the Federal Energy Regulatory Commission (FERC) relicensing application and review; the ongoing

President's Message (continued from pg. 2)

going Department of Environmental Quality (DEQ) September, 2008, issued violation concerning a corporate wastewater discharge that is potentially leeching into Elk Lake; examining proposed legislation which would restrict traditional public access at road ends; and monitoring and anticipating the continuing growth and development pressure on Elk and Skegemog Lakes and the surrounding forests and agricultural lands.

To that end ESLA will continue to be vigilant, more efficient, more accessible, and more responsive and focused on the elements that will allow us to preserve and protect our lakes and rivers and serve and support you, the riparian owners. To all those who have contributed to ESLA in obvious and other anonymous ways, I thank you since we are indebted to your service. To those who would like to contribute, I would ask you to step forward and join

or renew your membership in ESLA using dues envelop enclosed in this Newsletter. I look forward to meeting and serving the ESLA membership and riparian owners. Please contact me (PeterD06@charter.net) or any of the Board members by phone, e-mail, snail mail, or in person with suggestions and advice. Peace--Pete DiMercurio.

Past President's Message

As ESLA past President, I have been privileged to work with many persons committed to preserving our unique Northern Michigan waters and lands. With the transition to an able, new ESLA President, Pete DiMercurio, my work will continue in other capacities, both within ESLA and in other organizations. I will maintain my membership on the ESLA Board and as the ESLA representative (and Board Vice-President) to the Tip of the Mitt Watershed Council. I now have more time to devote to the ESLA Newsletter as editor. I will continue the networking that has become so important for ESLA with other local and

State conservation organizations and I will work closely with Mark Stone, Antrim County Drain Commissioner, as a member of the Elk Rapids Hydro Ad Hoc Committee, which will be instrumental in the FERC relicensing application. I wish to thank everyone, especially my lovely wife Sharon, who has assisted and supported me during the last two years as ESLA President.

My personal plans include continuing my full-time employment with Capella University as the Chair of Educational Psychology Department; working to promote



table tennis locally as the President of the new Northern Michigan Table Tennis Club, and spending more time with our two sons and granddaughter in Texas. ESLA membership is on our short list of Christmas presents this year for each of our sons. Wouldn't that be a nice present for your adult children too?

Relicensing the ER Dam: a True Grass Roots Effort

by Mark Stone, Antrim County Drain Commissioner.

Since August of 2007, the Elk Rapids Hydro Dam has had new operators and the County is fully committed to continue operating the facility as a hydro dam. The final hurdle to realizing this plan is to secure a new license from the Federal Energy Regulatory Committee (FERC). The current license lapses on January 1, 2014. Antrim County attempted to extend the license in the mid 1990s and abandoned the effort when it became clear that the requirements for relicensing were too demanding and imposed too great a financial risk. The thought at the time was to cut our losses and close shop. Of course, the County Board never expected to remove the dam in 2014, even if the hydro operation was decommissioned.

So what's happened since the 1990s to change the County's mind and seek relicensing? A number of factors have changed. First, the overwhelming feedback from residents made it clear that they preferred to continue the ER dam as a hydroelectric facility. Also, when we explored alternate uses of the building—such as leasing the up-



per structure for a commercial use, the expense of improvements alone made it clear that it would require a substantial long-term investment and provide a marginal return. From an operational standpoint, there is wisdom in the public's view—having a daily presence of dam operators on the grounds assures a much higher level of routine care and inspection. Dams are notoriously expensive to fix when things go out of repair and the best way to avoid that possibility is to catch problems before they get critical. Active hydros are, generally speaking, the best maintained dams.

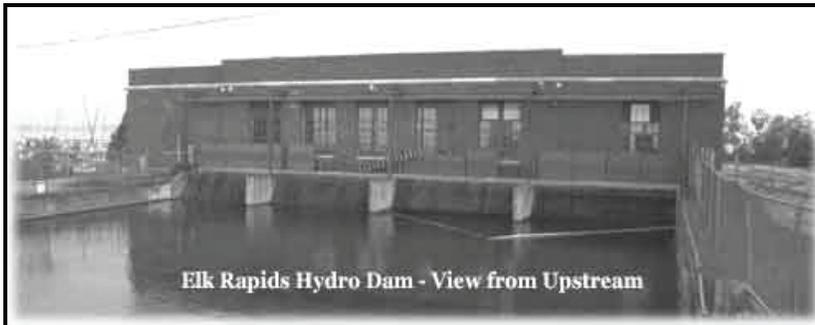
Secondly, we now have a reliable operator at the dam who is committed to a long term partnership with the County. The Stockhausens excellent record over the first year and diligence in moving the licensing process forward is in stark contrast to the former partnership with Traverse

City Light and Power during the 1990s, a company that has now entirely abandoned all four of their hydro facilities. Over the past year, Antrim County's hydro operation has operated in the black for the first time since re-electrification of the facility in 1982. In only a year, the Stockhausens have cleaned up the inside of the facility, made several common sense improvements in efficiency, removed outdated equipment and accomplished several repairs to the building.

Thirdly, with the expansion of invasive species and general degradation in Lake Michigan over the past ten years, the dam has come to represent an environmental "bulwark" of sorts that protects the more pristine Antrim Chain of Lakes ecosystem. Also, the growing realization that greenhouse gases are altering the climate has made us appreciate the importance of "green power" sources such as the Elk Rapids Hydro Dam, which generates enough power to supply a couple hundred households with zero CO2 emissions.

This time, we also understand the licensing process much better and we have a plan in

Relicensing the ER Dam (continued from pg. 4)



Elk Rapids Hydro Dam - View from Upstream

place. Having now met several times with FERC staff and other hydro license holders, we believe that the hydro can be relicensed in a cost effective way. Nevertheless, one part of the licensing process could derail the process financially and may create political opposition. As part of the FERC license process, state and federal agencies (primarily the MDNR and US Fish and Wildlife Service) may weigh in on the environmental impact of the hydro operation on fish and other aquatic species. These agencies may request environmental impact studies, fish kill studies, etc., as part of the licensing process. Often, the operation guidelines of the dam may be influenced and physical alterations to the dam, such as fish ladders, may have to be made. The cost of all these studies and modifications can greatly increase the cost of licensing. Indeed, the costs can easily run into the millions of dollars.

The fact that these agencies have a statutory role in the license process and speak up for the environment is a good thing. It's widely understood that dams can have a detrimental effect on the health and welfare of a riverine ecosystem. However, the Elk Rapids Hydro Dam is not located on a whitewater waterway or a blue ribbon trout stream. In fact, the dam is viewed as a constructive part of the ecosystem by local environmentalists. By the way, no one has ever called for the removal of our dam.

Our job is to educate the agencies that the Elk Rapids Hydro is the exception to the rule—a dam to be supported. We must differentiate our facility from the controversial dams that do generate reasonable environmental concerns. We have to demonstrate that minimizing the cost of relicensing is in the long term interest of the environment.

In order to accomplish this task, we first must establish a

consensus in the local community. The Antrim Chain and the Elk River Watershed already have many motivated and competent individuals and organizations working to protect and improve the environment and we are reaching out to them for support. Support could come in the form of political support. It could also be technical in nature. After all, we have professional caliber people already working on water quality testing and monitoring and years of baseline data have been accumulated.

The County greatly appreciates the ESLA's leadership role in this process by endorsing our goal, participating on the Hydro Steering Committee and helping bring us together with local interest groups. So, what's our next benchmark? Next summer, the Antrim County Board of Commissioners will vote whether to formally commit to begin the relicensing process by notifying FERC of our intention to relicense the dam. Before making that commitment, they will want a clear understanding of what the County is in for. By then, we hope to have met with the appropriate agencies, presented our case, and received a positive response.

ESLA President Supports DEQ Action to Rectify Discharges into Elk Lake

This DEQ filed complaint alleges that Burnette Foods, Inc. has produced discharges from its spray irrigation site which adversely affected adjacent wetlands, a downstream creek, and Elk lake. The resulting investigation by the DEQ rendered an official violation confirming leaching and discharge of wastewater into the nearby wetlands, creek and Elk Lake. This discharge was being done without a current permit since the previous one had expired. Even with a permit, the DEQ found that the level of discharge and the soil saturation at the surface and subsurface level were greater than what would be considered acceptable by any standard, potentially impacting area well water systems and leaching into the watershed. Burnette Foods has been ordered to cease and desist any further discharge; to determine the reason and extent of the release; and to conduct clean-up activities. Currently, the DEQ and Burnette Foods have been negotiating to remediate these problems.

The following is the Letter submitted to DEQ by Peter DiMercurio, President, Elk-Skegemog Lakes Association on October 13, 2008

Ms. Heuer,

Subject: Violation Notice
003677 - Burnette Foods, Elk Rapids, Antrim County

1. I have recently been apprised of the above Violation Notice (VN). As the President of the Elk-Skegemog Lakes Association, I was disappointed in the resulting need to issue a VN to Burnette Foods and the fact that this issue has, apparently, been ongoing for too long. It has clearly impacted the complainants quality of life, his property investment as a riparian owner and ultimately, the pristine water of the Elk-Skegemog watershed.

2. I thank you for your quick action to date. I will speak to the complainant and pledge our assistance, in accordance with the extent of our by-laws, in any way that we can, particularly as this violation affects him as a riparian owner on Elk Lake.

3. It is clearly in the interests of the Elk-Skegemog Lakes Association to promote an understanding of the rights of riparian owners, which the complainant has exercised, and to assist in the protection

and preservation of the environment of the Elk Skegemog watershed and wetlands that are impacted by the identified VN.

4. We, again, thank you for your oversight and response to date on behalf of the complainant, Elk-Skegemog Lakes Association, Department of Environmental Quality and the state of Michigan.

5 The water quality, preservation and protection of the Elk Skegemog watershed is paramount to the mission of the Elk-Skegemog Lakes Association.

6. I would ask that you apprise us on any updates/ ongoing actions and, ultimately, any resolution (hopefully favorable to the complainant and the wetlands/waters of the Elk Skegemog watershed) as a consequence of this VN.

Respectfully,
Peter N. DiMercurio
President, Elk-Skegemog
Lakes Association

Tip of the Mitt Watershed Center—Gaps Analysis

Tip of the Mitt Watershed Council is hard at work on a project known as the Local Ordinance Gaps Analysis. The goal of this analysis is to

evaluate all existing water-related ordinances in Antrim, Charlevoix, Cheboygan, and Emmet Counties at the county, city, and township levels. It will provide a valuable tool for local government officials, including recommendations for improving weak ordinances and suggestions about how to enact new ordinances to fill in the gaps that exist in current protections. It will also highlight opportunities for jurisdictions that share a water body to work together to get effective protections in place.

The need for this analysis is serious because the water resources of the region are a crucial economic driver. High water quality in our lakes and rivers means attracting tourists, resorters, and new residents. It also translates into solid property values and a unique quality of life. But every year, growth and development pressures bring more stress to these

same water resources and we need to have a balanced approach for managing them. If the situation is left untreated, we will move forward with

less direction, wasting money, time and effort while our water remains vulnerable to various threats.

The Tip of the Mitt Watershed Council in Petoskey continues to be an important resource and partner for ESLA. Dean Ginther is the ESLA representative and Vice President of the Tip of the Mitt Watershed Board..

The Watershed Council's Gaps Analysis will benefit our communities in Northern Michigan, providing well-documented, thoughtful approaches for them to consider with ordinances that will have a long-term, lasting impact. When numerous jurisdictions act together, they can educate their constituents and communicate more effectively to them. Dr. Grenetta Thomassey, Policy Director for the Watershed Council, is spearheading the project. Grenetta has been pleased to see the positive response and noted, "It's amazing to see the enthusiasm people have for this project, once they learn about it. It makes sense for townships to know what

neighboring townships are doing, especially when it comes to shared water bodies. If more than one township surrounds a lake, they have to act together to protect the resource effectively."

Many issues arise at the local level to threaten the health of our precious water resources. Grenetta comments, "We see time and again how the lack of local ordinances, or weak ordinances, leaves citizens without the necessary tools to protect their lake, river, or ground water source. We often hear from local residents when these threats arise, and the common question is, 'Why can't we do anything about this?' Interestingly, the question is often asked by folks who believe local zoning should be kept to a minimum, but when they see the consequences of no zoning they often become leading advocates for ordinances that protect water resources." For more information on the Gaps Analysis project, please contact Dr. Grenetta Thomassey, Policy Director, Tip of the Mitt Watershed Council, (231) 347-1181 or Grenetta@watershedcouncil.org.

ESLA
P.O. Box 8
Elk Rapids, MI 49629

*The 2009 ESLA
Membership renewal
envelope is enclosed-please
support the protection and
preservation of Elk and
Skegemog Lakes and the
Chain of Lakes Watershed
by joining ESLA or
renewing your 2009
membership.*

We're on the web:
[http://www.elk-
skegemog.org/](http://www.elk-skegemog.org/)

ELK-SKEGEMOG LAKES ASSOCIATION

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Bob Bremer 1995-1997; Ed Krigbaum 1992-1995; Lou Wood 1989-1991;
Stan Holzhauser 1984-1987