



# Elk-Skegemog Lakes Association

July 2008 Newsletter



Dean W. Ginther, President, ESLA

## President's Message

I recently received a call from an ESLA member living on the south end of Elk Lake. A new house was being built near his property. Reportedly, the shoreline had been essentially clear-cut, removing virtually all of the existing mature trees along with other shoreline undergrowth. While this may be "legal" in some local townships if there is no existing shoreline buffer ordinance, it is neither necessary nor appropriate. Further, the stark appearance of this now austere shoreline is aggravated if the property owner and contractor proceed to armor the stripped shoreline with large boulders (rip-rap) or a seawall. Ironically, the need to armor shorelines for erosion control is often (not always) a direct result of removing the natural shoreline trees and vegetation. In this specific case, disturbing the shoreline also fell into the category of illegal,

since the proper DEQ permits reportedly had not been obtained.

Shoreline alterations up to the highwater mark, such as rip-rap, sea walls, dredging, building permanent shoreline structures, filling wetlands, and building boat ramps all require permits from the DEQ. Other changes to the surface soil which could affect erosion and are within 500 feet of the lakeshore also require DEQ approval--typically these Part 91 permits are issued by the County Soil Conservation District. Although there are substantial fines for not following these regulations, once the damage is done, it is often difficult to restore.

So what would be more appropriate shoreline property management practices for new or existing riparians? According to research conducted by Viktor Polyakov, Ali Fares, and Micah H. Ryder (2005) "numerous studies have shown the effectiveness of riparian buffers in reducing sediment, pathogens, and nutrient loads into surface and groundwater in agricultural catchments. Reported retention rates of sediment, N, and P were as high as 97%, 85%, and 84%, respectively". Therefore, maintaining native shoreline vegetation is considered a good practice. Shoreline vegetation, especially trees and understory plants with strong root systems, resist erosion, provide habitat, absorb nutrients and runoff, and reduce or eliminate the need for lawn

maintenance. Likewise, for property owners that inherited shoreline turf, reducing the turf adjacent to the shoreline by planting a shoreline buffer is now a practice recommended by most conservation organizations. For those that wish to continue their shoreline lawns, using no fertilizer near the shoreline and a no phosphate fertilizer in other areas are good practices. Not over watering lakeside turf is a good practice since over watering promotes runoff of sediment, nutrients and pesticides. If a lawn service provides lawn care, fertilizer and pesticides should be applied in a manner that is consistent with recommendations for best turf management along lakeshore properties. If a lakeside residence is designed to collect rain into gutters, the rooftop sediment and runoff should not be directed into the lake. Sediment and nutrients also can be introduced directly into the lake by transporting sand to build artificial sandy beach areas or depositing leaves or grass cuttings into the water. Hard shoreline armoring, such as seawalls, should be considered a last resort measure to control erosion. While seawalls and other forms or shoreline hardening may reduce erosion if constructed property, their presence can increase erosion on adjoining properties. As new erosion technologies continue to develop, such as nets, mats, geotextiles, there are alternatives to preventing shoreline erosion that don't require seawalls and large rip-rap. Septic system inspection and maintenance are good practices but septic systems should not be pumped out unnecessarily often.

ESLA, as well as many other conservation and local governmental organizations, also can provide materials and expertise to educate and assist

property owners. For example, at the Tip of the Mitt Watershed website, you can find fertilizer tips for lakeshore lawns (<http://www.watershedcouncil.org/ferttips.html>). Information is also available from many other sources, such as the MSU Extension Office, the Grand Traverse Bay Watershed Center, and the Soil Conservation District.



### Spring Weather Summary

It has been, with the exception of a few weeks, a cool and wet spring and early summer. Everything is green now and the mosquito crop is very healthy. Following is a March 1 – June 20 summary of the monthly highs (HT), lows (LT), mean (MT), mean wind speed (MWS) with high wind speed in parenthesis, and rainfall as recorded by a Davis weather station (<http://www.wunderground.com/weatherstation/WXDailyHistory.asp?ID=KMIRAPID4>) located on the east side of Elk Lake.

<u>M</u>	<u>HT</u>	<u>LT</u>	<u>MT</u>	<u>MWS</u>	<u>Rain</u>
Mar	47.7	-5.5	25.4	3.2 (29)	0.96
April	78.7	20.7	43.4	3.3 (35)	3.15
May	72.8	31.7	49.1	3.5 (30)	2.13
June	81.4	47.1	63.5	2.3 (26)	3.90

### ESLA Administrative Assistant

For more than a year, the ESLA Board of Directors has been considering the merits of hiring a part-time administrative assistant. After considerable deliberation, it was decided that an administrative assistant would be an asset to the organization,

particularly as it relates to maintaining accurate membership information.

Therefore, this is an initial announcement to solicit interest from persons that may be qualified for this position. The position would be as an independent contractor to be hired for not more than 20 hours per month at a rate of between \$15-\$20 per hour. A laptop computer and software will be provided, if needed. No other benefits will be provided.

#### Administrative Assistant Duties

1. Maintain the ESLA riparian database

Keep the data for properties and riparian owners current in the database.

- Identify new riparians through dues submissions and add to the database. (January - summer)
- Through returned first class ESLA correspondence identify address changes and “bad addresses,” record in database and resolve the “bad addresses” by identifying a correct address or new ownership. (ongoing)
- Annually compare database records with those of the three counties to identify new riparian owners and newly split properties, and make changes in the database and on maps accordingly. (Fall)
- Annually reconcile “properties without

owners” and “members without properties”. (Fall)

- Update and maintain email addresses for members

2. Enter annual membership information in the database. (January - summer)

- Collect dues envelopes form P.O. Box and open
- Assign a sequence number
- Enter data in the dues form in the database
- Perform self-checks
- Provide checks to treasurer

3. Annually send out reminder letters to those who were members in either of the two previous year but who have not sent in dues for the current year. (spring)

4. Provide periodic reports to the President and Board regarding membership and trends. (ongoing)

5. Provide address mailing lists or mailing labels as needed for ESLA mailings. (ongoing) and distribute newsletter to email subscribers.

6. Send out welcome letters and packets of information (Riparian Handbook, ESLA history paper, recent newsletter and dues envelope) to newly identified riparians. (Fall)

7. Manage membership incentive program.

8. Attend and participate in the planning and conduct of ESLA Board meetings and the annual meeting.

9. Other membership or administrative duties as needed

to assist the President, Treasurer,  
or Correspondence Secretary

#### Qualifications

1. Computer literacy – skilled in the use of Microsoft Office products is desirable, especially Access database management.
2. Interpersonal skills to effectively work with ESLA officers and Board members, members/clients, government officials, and the general public, as demonstrated in previous positions and as attested to by references.
3. Ability to plan and organize work with minimal direction after initial training, as demonstrated in previous positions and as attested to by references.
4. Conduct accounting activity with minimal errors (<1%) and careful attention to detail, as demonstrated in previous positions and as attested to by references.
5. Excellent verbal and written communication skills, as demonstrated in previous positions and as attested to by references.
6. Uses initiative and resourcefulness in managing the membership database and displaying membership data, such as the use of GPS mapping, as demonstrated in previous positions and as attested to by references.
7. Has an interest in the goals and operations of ESLA and is a member of ESLA.

Send a resume and letter of interest to  
Administrative Assistant Position, P.O. Box  
8, Elk Rapids, MI 49629.

#### Road End Legislation Update

About a year ago, ESLA joined the Michigan Waterfront Alliance, which is the lobbying arm of the Michigan Lakes and Streams Associations (MLSA). MLSA is the major statewide organization for Michigan lake associations, such as ESLA. I recently received this communication from Bob Frye, the President of the Michigan Waterfront Alliance.

Dear Michigan Waterfront Alliance  
Members and Friends,

I received a call yesterday from the MWA lobbyist Steve Scofes. He and part of his staff (Teresa Edwards and George Scofes) had just returned from a meeting with Senator Mike Bishop. Mike is the Senate Majority Leader. Steve Scofes asked for the meeting at the request of your Michigan Waterfront Alliance. The reason for such a high level meeting was to find out if there was any truth to various rumors regarding attempts by the Higgins Lake Civic Association to get a hearing on a Senate version of the destructive road end bills that were passed by the Michigan House in June of 2007. There was also the question of a substitute bill being brought up in a different committee.

At yesterday's meeting Senate Majority Leader Mike Bishop emphatically assured Steve Scofes, Teresa Edwards and George Scofes that he will not take up HB 4463 at all. The Senator also assured them that he would not let this or

any substitute bill get out of his committee.

This is good news! It shows that your Michigan Waterfront Alliance has made progress regarding this particular issue. I have found that being in the Lobbyist business is no fun, no glory, very expensive and there are no guaranteed results. I have also found that if you are not represented you have no hope. Your MWA has much less money than it did a year ago and fewer members. We very much need your support. If you are not a current 2008 member please go to [www.mwai.org](http://www.mwai.org), click on membership and join up.

## ESLA Annual Meeting Agenda

Mark your calendar and bring your family and friends to the ESLA annual meeting at the Elk Rapids High School between 9:00 am – 12:00 noon on Saturday, July 26<sup>th</sup>. Following is the schedule and agenda for the meeting:

**9:00 – 9:15** Coffee and donuts; meet Dave Barons and ESLA Board members

**9:15 – 10:15** Dave Baron, senior meteorologist 9/10 TV, will be speaking on: Global Climate Change and Energy Resources: Implications for the Residents of Northern Michigan.

**10:15 – 10:45** Mark Stone, Bill Stockhausen, Stock Stockhausen: history of the ER powerplant and dams and update on Federal Energy Regulatory Commission (FERC) relicensing application for the Elk Rapids Dam

**10:45 – 11:00** Todd Kalish, Michigan Department of Natural Resources Fisheries Division: Update on the

ongoing fish survey on Elk and Skegemog Lakes

**11:00 – 11:15** Kevin Cronk, Tip of the Mitt Watershed Council: update on water quality monitoring results for Elk and Skegemog Lakes

**11:15 – 11:30** Andy Knot, Grand Traverse Bay Watershed Center: update on activities of the Watershed Center

**11:30 – 11:40** Tom Yokum: update on ESLA water quality interns for summer of 2008

**11:40 – 12:00** ESLA Business

- Mike Hamilton: treasurer and foundation report,
- Bob Kingon: membership report,
- Board recognition: William Letsche and other,
- Nature-opoly and ESLA membership gifts/incentives,
- Nomination of new officers and directors,
- Questions and comments from members

## 2008 Summer Water Quality Intern Program

This summer, Thom Yocum has recruited three talented junior year students attending Elk Rapids High School. They are: Alexa Fedrigo, Dan DeRossa and Ryan Sundberg. These interns will learn about factors affecting water quality while helping ESLA with work on tributary flows from streams that are difficult to access, measuring important water quality parameters and learning about the importance of shoreline buffer zones. The interns will collaborate with interns from Three Lakes Association on issues affecting

the lower Chain of Lakes and may do work related to vegetation and invasive species in our lakes. A report of the interns' work will be made available in the fall.

Thom notes that if you have a pontoon boat on either Elk or Skegemog Lake, please consider volunteering a few hours next summer to support the activities of the 2008 interns. Contact Thom Yokum at [kstyocum@aol.com](mailto:kstyocum@aol.com) to see how you might help.

## The Re-licensing of the Elk Rapids Dam

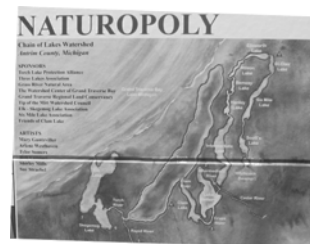


The Antrim County Board of Commissioners has authorized the formation of the "Elk Rapids Hydro Planning Committee." This Committee is chaired by Mark Stone, the Antrim County Drain Commissioner. Other members include Dean Ginther (ESLA President), William Stockhausen (ER Dam operator), Peter Garwood (Antrim County Planner), Dan LeBlond (Elk Rapids Historical Society and Elk Rapids Village Council), and Joe Allen. (Antrim County Commissioner—Chair of the Public Works Committee). Jack White (Chair of County Commission) and Chuck Schuler (Elk Rapids Village Council) also are providing guidance to the committee. The goal of this committee is to complete the application to obtain Federal Energy Regulatory Commission (FERC) relicensing of the ER Dam so that the Dam will continue to produce power and be

maintained. Proper maintenance of the ER Dam is essential to the continued regulation of the water levels in Elk and Skegemog Lakes and Torch River. On June 18<sup>th</sup>, the members of the Hydro Committee hosted a visit by two FERC representatives, Patricia Grant from the Chicago office and Robert Bell from Washington, and a representative of the Michigan DNR, Kyle Kruger (Senior Fisheries Biologist). They toured the powerhouse, shared a lunch meeting at the Riverwalk, and spent the remainder of the day viewing Elk and Skegemog Lakes on a pontoon boat provided by the Elk Rapids Marina.

The meeting was a productive start to a five year process which will hopefully result in the relicensing of the ER Dam. It should be noted that removal of the dam is not at issue here but other modifications, such as adding a fish ladder and expensive and time consuming studies can be anticipated as possible requirements. The ESLA Board of Directors will be developing a position paper on the issue of providing a fish ladder for ingress and egress of fish between the Chain of Lakes and Lake Michigan.

Mark Stone (see <http://www.antrimdraincommissioner.com/>) and the dam operator, Bill Stockhausen, will be making a presentation regarding the relicensing of the ER Dam at the ESLA annual meeting on July 26<sup>th</sup>. In the future, relicensing of the ER Dam can be expected to be a critical issue for Elk Lake, Skegemog Lake and Torch River riparians.



Naturopoly --  
First Edition  
Board Game  
Limited Offer

The first edition  
of the Chain of Lakes Naturopoly (a

Monopoly-like board game) is now available for purchase and delivery. The black and white picture shows the inner section of the board but does not illustrate the many colors, properties, or other details contained on the board. Currently, about half of the 500 games produced have been sold. The board was illustrated by local artists Mary Guntzviller, Arlene Westhoven, Tylor Somers, Rob Comfort, Shirley Mills, and Sue Straebel. Sponsored by members of the Conservation Network and intended to be educational, proceeds from the sales will go to support the following sponsors: Torch Lake Protection Alliance, The Watershed Center Grand Traverse Bay, Grass River Natural Area, Tip of the Mitt Watershed Council, Grand Traverse Regional Land Conservancy, Three Lakes Association, Elk/Skegemog Lakes Association, Six Mile Lake Association, and the Friends of Clam Lake.

The cost is \$32 per game, including tax. Please send orders and payment to Nancy Ludwa, c/o GRNA, Inc., 7145 Cottage Dr., Bellaire, MI., 49615. All orders must be prepaid by check or cash. **MAKE CHECKS PAYABLE TO GRNA, INC.** Please include the information below with your check or cash payment.

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

# of games ordered \_\_\_\_\_

Amount enclosed @ \$32 per game: \_\_\_\_\_

Questions? Call Nancy Ludwa, 231-377-7034 or Peg Comfort, 231-377-7512. If any

games remain available on July 26th, a few reword will be available at the ESLA annual meeting for purchase.

## Update on Mitchell Creek E. Coli Levels

Mitchell Creek, which runs between Mud Lake and Grand Traverse Bay in Northern Milton Township, continues to have levels of E.coli which are considered above the recommended State levels for safe physical contact.

At the June 9<sup>th</sup> meeting of the Milton Township Board, a report entitled "Milton Township Water Quality Study Report and Recommendations" was submitted for the Board's consideration. This report was the result of five public meetings and considerable additional research and effort by the committee members. Contained within the report were a series of recommendations intended to provide continued water quality monitoring and to produce additional information regarding possible sources of contamination in Mitchell Creek

However, at the start of the meeting, Lon Bargy (Township Supervisor) and the Township legal council, Mr. Derman, indicated that, in their opinion, the Township did not have the authority to expend funds for the water quality testing and monitoring purposes recommended in the report. Therefore, the report was not considered or discussed by the Board during the meeting and no action was taken regarding the recommendations contained in the report. Presumably the previously identified high levels of E.coli contamination will continue to be a potential threat to the health and

welfare of Milton Township residents, particularly to those living in areas along Mitchell Creek and on Grand Traverse Bay near the stream outlet. If you have questions or concerns regarding if or how this contamination may directly or indirectly affect residents and businesses located in Milton Township and surrounding areas, please contact one of the members of the Milton Township Board (see <http://www.milontownship.org/>).

## Milton Township Recycling

A recycling bin located behind the old township hall in Kewadin is now available for deposit of cardboard, paper, #1 and #2 plastics, tin cans, and glass. Other materials, such as common garbage, should not be left at this site. Plastic and metal containers should be flattened to conserve space. This recycling bin is provided for Milton Township residents. Access is available 24/7 and the site is remotely monitored by video. Thanks to Lon Bargy and the other Milton Township Trustees for providing this service.

## Gas Leases—Considerations Before You Sign the Dotted Line

Recently I received a call from a concerned ESLA member on the west side of Elk Lake who reported that representatives (“landmen”) from a company called O.I.L. were contacting riparian property owners and encouraging them to sign gas leases. The O.I.L. landmen reportedly are contacting riparians and offering lease agreements which include acquiring the mineral rights to “all riparian or submerged lands” associated with waterfront parcels. These typically small waterfront parcels can then be aggregated with

larger backlot parcels to form the larger grouping of adjacent property leases needed for efficient development. These leases may also contain provisions for automatic renewal of the lease agreement after the initial three year period, so such agreements could apply for decades into the future.

If you were approached to sign a lease surrendering the mineral rights to your property, could you answer the following questions?

- How would giving up your mineral rights affect the value of our property? Would giving up our mineral rights affect your children’s options when they inherited our property?
- If a well was drilled on your property, where could and would it be placed—could it be placed near your house or lake frontage?
- Would signing a lease allow access to your property without your permission or prior knowledge?
- Could an easement road or roads be built on your property?
- If a well was drilled on your property, how much area would be needed for the well?
- If there were any wastes or by-products associated with drilling or operating the well, where would they be disposed?
- How dangerous are such wastes and would there be a risk of contaminating the ground water on your property?
- Even if a well was not placed on your property, could one or more pipelines be constructed traversing your property?



- If pipelines were constructed, how much damage would there be to trees and landscape?
- Would you be reimbursed for such damage?
- Could wells on nearby property be “slant” drilled so that gas and other minerals under your property could be extracted without your permission and without any reimbursement?
- Are you being offered a financially “good deal” or are you being taken advantage of by the terms or the lease?
- Could a well located on your property be slant drilled so that it would terminate underneath your riparian bottom lands?
- Could the water quality of Elk Lake or Skegemog Lake be threatened or affected by adverse events associated with nearby drilling and extraction?

Consultation with Susan Hlywa Topp, who is the principal of Topp Law PLC in Gaylord, Michigan, and information obtained indicates that that:

Giving up the mineral rights (severing mineral rights) means that the owner of those rights has not only the ability to develop the minerals below the surface but also to do what is necessary on the surface to access any minerals below. These rights may include locating access roads on the surface, burying pipelines near the surface, depositing some types of waste, such as brine, on the surface or back into the well, deducting production costs from royalty payments, selecting the well location (within spacing and

setback regulations), determining the depth and direction of the well, clearing (typically clear cutting) a section of the surface for drilling and access, retaining access to the mineral rights for 20 years or longer, and accessing the property whenever necessary and without prior notice.

“Signing bonuses” are one time only payments, rates for royalties are negotiable, royalty payments are not received unless gas is produced, royalty payments may continue for only a short period, and such payments can be quite small. Further, the typical mineral lease includes rights to access not only gas and oil from the targeted geological deposits but also other deposits below or above the targeted source. It is difficult to prevent a development company from slant drilling under adjacent surface property even if the owner of that property still retains the mineral rights. Most importantly it is very difficult to “undo” a mineral lease agreement once it has been signed; “non-development” agreements can be negotiated; liability for possible environmental or ecological damage and consequent property devaluation may not be clearly addressed in leases; and surrendering the mineral rights to a property can lower the resale value of the property by 30% - 50%, depending on the location, value, and type of property.

Here’s the bottom line— be wary of signing a gas or oil lease prepared by the development company. Prior to

surrendering the mineral rights to your property, make sure you are fully informed and knowledgeable

## ESLA 2008 – 2010 Board Nominations

ESLA is a volunteer organization. We depend on our members stepping up and helping. The ESLA Board of Directors provides the leadership and guidance needed for ESLA to function effectively. On the ESLA website (<http://www.elk-skegemog.org/>) are the nominations for the ESLA Board of Directors for 2008 – 2010. These nominees were selected by the ESLA nomination committee which consisted of Bob Bremer (Chair), Al Wagner, and Mary Anne Rivers. Bob will present these nominees at the annual meeting for approval. We still need a few more members to step-up to fill the remaining vacancies on the Board for Zone B (east side of Elk Lake) and Zone E (Torch/Rapid Rivers). The basic responsibility of a Director is to attend four Board meetings per year (if possible), the annual meeting, and interact (primarily via email) with members and other Directors regarding ESLA business. Full time “local” residence in Northern Michigan is not required. Please contact Bob Bremer ([rapidrobert@torchlake.com](mailto:rapidrobert@torchlake.com)) or Dean Ginther ([dean.ginther@gmail.com](mailto:dean.ginther@gmail.com)) if you have interest or a possible nomination.



### Follow-up on reusable bags

It has been estimated that the petroleum used in the production of 14 plastic bags could drive a car a mile.

Are paper bags

better? Compared to plastic, making a paper

bag emits 70% more global warming gasses, creates 50 times more water pollution, uses 4 times more raw materials, and consumes 3.5 times more energy. Eighty percent of all paper bags end up in landfills. There they biodegrade very slowly because of a lack of oxygen. They also cost more to landfill because they take up much more space by weight and volume than plastic bags do.

Information in the April ESLA Newsletter on using reusable grocery bags rather than plastic or paper prompted an ESLA member to provide the following information:

Vincent Stocke Cobb, fourth generation Elk Lake fan, started a company a few years ago based on selling reusable bags on the internet. In your recent President's letter (the best I've ever read, by the way) you mention the availability of reusable bags at several grocery chains. Why not mention Vincent's company in the next newsletter and provide a link to it at the web site? He offers a great variety of bags specifically designed to get plastic bags out of the environment. He donates 1% of sales to environment enhancing causes.

My wife and I patrol the shore line from Rex to the former Shippey property every spring by canoe to collect plastics, so I know those plastic shopping bags are a problem on the down-wind side of the lake. And of course, they befoul our national landscape as well. The company is named Reusable Bags. Take a look at [www.reusablebags.com](http://www.reusablebags.com). These suggestions are intended to help our lake's environment more

than promote a specific product or company.

Editor's note: other Internet vendors of reusable bags include: 1 bag at a time, Port and Company, and the Planet Bag.

### Sand/Silt Deposition--Rapid River

At the recent ESLA Board meeting on June 27<sup>th</sup>, Russ LaRowe (District Manager-Kalkaska Conservation District) and others made a presentation regarding the deposition of large quantities of sand and silt which have accumulated in the lower Rapid River over the last several decades. This sand deposition is now estimated to be about 10,000 cubic yards of material which has dramatically changed the nature of the lower rapid river from a gravel



bed cold water trout fishery to a wide, shallow sand bottomed stream/bayou with elevated water temperatures. The silt/sand has been deposited over the



years from run-off primarily from two road crossings on the Rapid River and

the parking lot at Rugg Pond. Mr. LaRowe noted that the two road crossings have been modified to greatly reduce any additional deposition and that the parking lot will be addressed this summer. He also noted that, in 2009, the Aarwood Bridge over the lower Rapid River is scheduled to be replaced.

Currently there is a massive amount of sand and silt which is gradually moving downstream and is predicted to eventually migrate into the fast moving Torch River and then into Lake Skegemog Lake. This is expected to have negative effects on the water quality and habitat of Torch River, Skegemog Lake, and possibly Elk Lake. Currently, there appears to be no consensus among the riparians living along the lower Rapid River as how to best address the issue. The ESLA Board is in the initial process of gathering additional information into how this ongoing damage to the lower Rapid River and potential threat to the water quality of Torch River, Skegemog, and Elk Lakes might be best addressed. If you have input, questions, or concerns contact Russ LaRowe ([Kswcd@torchlake.com](mailto:Kswcd@torchlake.com) or 231-258-3307) or Dean Ginther ([dean.ginther@gmail.com](mailto:dean.ginther@gmail.com)).

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

**PRSRT STD**  
U S POSTAGE  
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**Annual Meeting -- July 26 at 9:00 am at the Elk Rapids High School**

**Featured speaker: Dave Baron, senior meteorologist 9/10 TV, speaking on Global Climate Change and Energy Resources: Implications for the Residents of Northern Michigan**