

ELK- SKEGEMOG LAKES ASSOCIATION BOARD MEETING

MAY 19, 2022

BOARD MEMBERS PRESENT: Ruth Bay, Don Bonato, Bob Campbell, Steve Francis, Jan Garvey, Dean Ginther, Andrew Hogarth, Bob Kingon, Ken Krentz, Kate Lett, Pat Pierce, Nancy Schreiber, Deanna Seifried, George Seifried, Linda Slopsema, Phil Spangenberg

BOARD MEMBERS ABSENT: Dale Claudepierre, Mary Beth Kazanski

Samantha (Krause) Ogle, ESLA's lake biologist, was also in attendance.

Bob Campbell, Elk-Skegemog Lakes Association (ESLA) Board President, called the meeting, run virtually through Zoom, to order at 10:06 am.

The minutes of the March 17, 2022 meeting were approved as written.

GUEST PRESENTATION

Deana Jerdee, the Executive Director of Paddle Antrim, discussed the Chain of Lakes Water Trail which is hosted by Paddle Antrim, a non-profit organization working to protect water resources by connecting people through paddle sports. Deana's presentation was focused on Rotary Park, which Deana identified as a key access site to the trail. Deana discussed the redesign plans for Rotary Park, noting that the Village of Elk Rapids approved the final design in November 2021. Deanna stated that the park will have a universal kayak launch similar to the launch in Kewadin, improved parking, plumbed restrooms with changing stations and a high water pressure wash station for boats. Deana also noted that the project at Rotary Park included the removal of 10 stumps to increase safety when entering the water trail. Deana briefly discussed the funding for the project and answered questions about the water trail and Rotary Park project.

COMMITTEE REPORTS

FISHING REPORT:

Ken Krentz gave the report which includes three topics. First, Ken reported that the Torch River fishing regulations were changed again. The new regulations allow single hook fishing from May 1st to July 1st. Second, Ken discussed the DNR fish survey scheduled for the week of June 6th. Ken mentioned the sampling and electro shocking that will take place later this summer, noting that a report would not be issued until next spring. Third, Ken discussed brown trout, stating that another Elk Lake trout plant was conducted near the end of April. Ken stated that the Northwest Michigan Fishing Club planned to fish the planting sites with boats to decrease the number of birds eating the planted fish. Ken discussed his plans to interview fishermen to ascertain their success in catching brown trout and concluded his report by discussing why brown trout may be migrating from Elk Lake to Torch Lake.

TREASURER'S REPORT:

Phil Spangenberg gave the treasurer's report. Attached to these minutes are the Financial Statements, Vanguard Investment information and Endowment Fund information distributed and reviewed by Phil. When discussing the asset and income figures, Phil noted that ESLA is doing quite well compared to last year. Phil mentioned that the \$600 water treatment expense was from last year. Regarding the

Vanguard account, Phil stated that there was a decrease of approximately \$9500 which amounts to a decrease of approximately 10%. Phil stated that the Endowment Fund figures were as of March 31st and include a \$5000 gift.

Nancy Covington Schreiber discussed her efforts to increase business membership and solicit money from local businesses. Nancy noted that on behalf of ESLA she has received \$1650 from six businesses. Phil Spangenberg and Samantha (Krause) Ogle added that they received additional responses from businesses so contributions to this point may be higher than \$1650. Nancy discussed her plan to enlist the help of Board members to contact businesses who have not yet responded to her requests for contributions or do not have mail receptacles. On another issue, Nancy mentioned that an audit of ESLA's year-end finances is forthcoming.

WEBSITE/FACEBOOK:

Kate Lett discussed her work on ESLA's website and Facebook page. Kate noted that visitors to the website engage in different levels of searches and discussed how this impacts decisions to be made about the website design. To save money, Kate generously plans to organize the website content on her own time and work with the website designer in the fall to develop the wire frame for the website. Regarding the website, Kate discussed the need to produce content which is "ours" rather than simply post pdfs. Kate and Bob Campbell encouraged Board members to send pictures to improve the current content of both the website and Facebook page. With respect to Facebook, Kate voiced her appreciation for the imagery sent to her by Dean Ginther, Deana Seifried and George Seifried. To increase the number of ESLA followers on Facebook, Kate requested Board members to send information and pictures appropriate for posting. Bob Campbell mentioned that the website currently contains pictures that should not be there because they do not involve Elk Lake or Skegemog Lake (e.g., pictures of dunes). There was a brief discussion about what should be posted on the home page versus links. Kate concluded her comments by requesting Board members to contact her if they have suggestions regarding the website layout and content.

MEMBERSHIP COMMITTEE:

Deana Seifried gave the membership committee report. Deana stated that working with Boomerang regarding membership data is complex because it is detailed. Deanna discussed the number of Board members who have paid membership dues to date and stated that approximately 280 members have paid dues this year. A handful of members did not pay the exact dues amount. Deana is currently figuring out how to run a report for each zone and discussed her efforts to use Boomerang to identify membership and dues data by geographic areas. Bob Campbell added that steps will be taken to use Boomerang to identify those who paid dues in the past but have not done so this year. While discussing ways to increase membership, Deana stated that she plans to have membership applications at *It's a Shore Thing* events and mentioned the possibility of having an article in the Elk Rapids News. Deana concluded her comments by briefly discussing the information packets to be distributed to new members.

Ruth Bay brought Board members up to date regarding her planning for *It's a Shore Thing* events, hiking events and the annual meeting. Ruth stated that she contacted the National Weather Service to determine who it would provide as a speaker for an upcoming *It's a Shore Thing* meeting, that a hike is scheduled for August 12th at the Torch River Preserve, that she has leads for guides for other hikes. Ruth

also reported that she is working on the annual meeting. Ruth plans to meet at the end of the month with the caterer. There was brief discussion of contacting the Village Market, Elk River Marina and Short's Brewery for food and beverage donations or discounts for the annual meeting. Finally, Ruth stated that extra chairs were needed for *It's a Shore Thing* outdoor events.

ERCOL:

Bob Kingon reported upon a recent meeting and planned future meetings to discuss various topics, including green belts, storm watch and the hydrology study. Bob stated that the Core of Engineers was behind schedule on the hydrology study. The need to discuss the content of the new member packet was also mentioned by Bob.

SAFETY AND RECREATION COMMITTEE:

Pat Pierce gave the safety and recreation committee report. Pat reported that 10 buoys have been installed on the Torch River. Pat mentioned that we have 3 new buoys, 1 of the lost buoys was found and 1 buoy is still lost or missing. Pat said that he still has to locate the anchors for the old buoys and discussed where the new buoys will be installed. Bob Campbell said that the goal is to install the 5 buoys awaiting installation before the Memorial Day holiday. Pat also reported that the water level at the dam is "on spot" and that he is working on the installation of the new Torch River no wake sign.

ENVIRONMENTAL COMMITTEE:

Jan Garvey gave the report of the environmental committee. Attached is the Environmental Protection Committee Notes for May 2022 Board Meeting reviewed by Jan.

Jan noted that the concerns involving Burnette Foods are "most crucial" and have already been discussed. Jan briefly discussed the drone survey and stated that a small group should meet to review how the survey should be used and what to communicate with ESLA members and riparians about the survey. Jan and Linda Slopsema discussed boat wash events and boat wash issues at Whitewater Township Park. Jan said there will be a call for volunteers for the boat wash events scheduled for Whitewater Township Park and the Baggs Road launch in June, July, August and September. Linda described the boat wash stations at Glen Lake and Little Traverse Lake and also discussed the cost of a pressurized hot water system. Linda, Bob Campbell and Jan Garvey also provided information regarding how the plan for Whitewater Township Park was changed so that the boat wash will be located to service incoming boats, rather than outgoing boats. Bob Campbell briefly mentioned the Northwestern Michigan College (NMC)/Vansumeren joint project to study the bottom of Elk Lake which is mentioned in the attached notes. Finally, Samantha discussed her involvement with the Watershed Center leadership circle and noted that the circle recently discussed Whitewater Township issues. Samantha opined that there is a need to have more individuals and individuals other than riparians address the Whitewater Township Board at future meetings.

NEW BUSINESS

Segued between the Finance Committee report and Kate Lett's report about ESLA's website was a discussion addressing ESLA's potential collaboration with The Watershed Center to address issues with Burnette Foods, Inc., and a presentation by the Watershed Center's attorney, P.J. Andrews. Andy Hogarth provided background information about the permits issued to Burnette Foods allowing discharge of food processing wastes and concerns that discharges may be greater than permitted,

resulting in water runoff which threatens water quality. Andy noted that EGLE has issued numerous violation notices to Burnette Foods and that there are similar water runoff problems at all three Burnette Foods sites. Andy mentioned that a possible way to address these concerns is to add Spencer Creek to the Adopt a Stream program. Andy stated that the discharges by Burnette Foods require a federal permit issued by the State of Michigan and that the Watershed Center's attorney suggested issuing a Notice of Intent to sue to get the attention of Burnette Foods and EGLE and induce them to rectify the concerns. Andy explained why EGLE may have not taken more aggressive action against Burnette foods, noting that EGLE has limited resources and has to prioritize when determining which violations it can address effectively. Jan Garvey stated that ESLA, the Watershed Center and affected property owners would be potential plaintiffs in a lawsuit to address the concerns. Andy discussed the possibility of a joint defense agreement between ESLA and the Watershed Center which would enable them to share information and collaborate without waiving confidentiality protections or privileges to which they are entitled. How the public may react to a joint defense agreement or lawsuit was briefly discussed. P.J. Andrews discussed what a joint defense agreement entails, explaining that it is a procedural document designed to prevent confidentiality rights and privileges from being waived due to communication and information sharing between parties to the agreement. Attorney Andrews stated that a Notice of Intent to sue outlines known violations and connects them to the violated laws and regulations. She explained that a Notice of Intent is a litigation requirement under the Clean Water Act and used when the government is not taking enforcement action or doing its job. Importantly, Attorney Andrews stated that issuing a Notice of Intent does not require the subsequent pursuit of litigation and that the downside to a Notice of Intent is a policy downside, rather than a legal downside. The downside is that the issuer(s) may be tagged as being litigious. There was a brief discussion of attorney fees, attorney fee recovery and the potential of a countersuit in the event litigation was pursued. Bob Campbell moved to approve ESLA entering into a joint defense agreement with the Watershed Center and the issuance of a notice of intent to sue by ESLA and the Watershed Center. The motion was passed pending ESLA's approval of the joint defense agreement to be drafted by attorney Andrews and the drafting of a notice of intent with the collaboration of ESLA and the Watershed Center. The meeting was adjourned at 12:37 p.m.

Submitted by Recording Secretary, Donald J Bonato.