

MICHIGAN WATERFRONT ALLIANCE NEWSLETTER

Winter 2025

MWA Mission Statement “This corporation is formed to protect, preserve and promote the wise use of inland waters – lakes, streams, rivers, creeks and the waters and bottomlands of the state of Michigan.”



President’s Corner - Review of 2024 MWA Efforts - Bob Frye

This past year saw significant improvements in the effort by the MWA to raise inland Lake awareness within the Michigan Legislature. The MWA was the Major Sponsor of Michigan Inland Lakes Awareness Day on May 14 that was attended by more than 60 legislators, DNR and EGLE administrators. Additional partners included The Michigan Boating Industry, The Michigan Environmental Council, The Tip of the Mitt Watershed Council, The Michigan Chapter of the North American Lakes Management Society, Michigan Aquatic Managers Association and the Midwest Aquatic Plant Management Society. Also, the MWA lobbied at the Detroit Regional Chamber Annual Policy Conference that took place on Mackinac Island at the end of May.

These efforts not only led to a growing list of Inland Lakes Champion Representatives and Senators, but to a permanent outdoor 5 sign display promoting Inland Lake Awareness on the grounds of the Grand Hotel on Mackinaw Island. We thank Grand Hotel Vice President John Hulet for his enthusiastic support of the project. You will pass these signs on the lower entrance trail, past the Secret Garden, before you get to the pool.



The MWA also made 3 presentations at the Michigan Inland Lakes Convention



in Grand Rapids last October. They were titled “Workshop: Funding for Lake Conservation”, moderated by Bob Frye, “Getting to Know Pickerel Lake”, presented by Scott Brown and “Riparian Law and Rights”, presented by Bill and Dane Carey. A total of over 275 attendees participated in a wide range of sessions and workshops over the course of 2 days.

At the Watershed Conservation Session, DNR Fisheries Guru Dr. Joe Nohner explained how to access the Midwest Glacial Lakes Partnership Planner. Go to <http://ifrshiny.seas.umich.edu/mglp/> and enter the name

of your lake in the search box to find out more about your lake than you ever knew! At the MICorpsWater Quality Monitoring Session, attendees were coached on how to find the water quality history of many Michigan Lakes (250+). Go to <https://data.micorps.net/view/lake/> and enter the search criteria for your lake. The Conference is held once every 2 years and is well worth the effort to attend.

During the year, your MWA lobbied for and against several bills, including bills regarding reducing the degree of County responsibility for maintaining court-ordered lake levels (argued against), restrictions on Short Term Rentals (argued for), rules for wake boats use on inland lakes (argued for), overruling County permit denials for gravel mines near lakes (argued against), changing the starting date for Rock Bass season to protect the spawning process (argued for), and establishment of a Statewide Septic Code (argued for). Please see updates regarding Wake Boat and Septic Regulation in this newsletter.

The battle against the spread of and remediation of Aquatic Invasive Species continues. Unfortunately, the focus of the DNR Law enforcement and DNR Parks is not the same as it is in our neighboring states, Wisconsin and Minnesota. In Minnesota, for example, strict regulations are in place to prevent the spread of aquatic invasive species (AIS) via boats and trailers. Key requirements include

1. Clean: Before leaving any water access or shoreland, remove all visible aquatic plants, zebra mussels, and other prohibited invasive species from your watercraft, trailer, and related equipment.
2. Drain: Eliminate all water from your boat, including compartments like ballast tanks, live wells, bilges, and portable bait containers. Drain plugs must be removed, and water-draining devices opened while transporting the watercraft.
3. Dispose: Place unwanted bait, including minnows, leeches, and worms, in the trash. It is illegal to release bait into any waterbody or to transfer aquatic animals from one waterbody to another.

Legal Prohibitions:

- *Transporting watercraft with the drain plug in place is illegal.
- *Arriving at a lake access point with the drain plug installed is prohibited.
- *Transporting aquatic plants, zebra mussels, or other prohibited species on any roadway is against the law.
- * Launching a watercraft with prohibited species attached is illegal.
- * Transporting water from Minnesota lakes or rivers is forbidden.
- * Releasing bait into the water is unlawful.

Violations of these laws can result in fines up to \$1,000.

In Michigan the law is not as strict, and the maximum fine is \$100. The Minnesota budget for AIS enforcement for 2024 is 4.2 million, in Michigan it is under 1 million.

2025 Lakes Awareness Day

The focus on the 2025 Inland Lakes Awareness Day may well be requesting that our Lake Champion Representatives, Senators, and the Governor's policy office provide adequate funding for AIS enforcement and a Michigan Healthy Lakes Protection Fund.

Governor's Policy Office

At the MWA Board of Directors meeting on December 12, 2024, we welcomed Emma Young, a policy analyst from the Governor's policy office. After she was presented with an overview of the MWA goals for Michigan's Inland Lakes and Streams, she stated that she would present the idea of a roundtable discussion, which would include several inland lakes focused organizations, and possibly lay the groundwork for the creation of a MI Healthy Lakes Plan. We look forward to working with

Emma and the Governor’s policy office, to help create a mindset shift from reactionary management of our inland lakes and streams, to a “protect and restore” mindset.

The Marketable Record Title Act Amendments

Recent amendments to the Marketable Record Title Act (MRTA) call into question the life span of private building and use restrictions. Some commentators have suggested that private deed restrictions a/k/a building and use restrictions should be recorded (or rerecorded) every 40 years or suffer a lapse of enforceability. While the amendments have been adopted as law, the deadline for recording such restrictions has been extended several times and is now set for September 29th, 2025. As that deadline approaches, subdivision associations should be prepared to review existing restrictions and determine whether action should be taken.

Short-term Rentals

There has been little indication that the state government is going to step into regulating this cottage industry. Instead, it appears that many local units of government are filling the void and regulating the use of second homes for commercial purposes.

Legal Lake Level Regulation

A newly promulgated state law has given local government much greater leeway in regulating the level of a lake pursuant to court order. The new statute is part of the Michigan Environmental Protection Act. Essentially, the unit of government responsible for regulation now has some protection from unanticipated environmental conditions that impact the lake level.

Lake Champions

In 2024 the MWA approved the MI Healthy Lakes Champion categories to recognize individuals and lake associations for their added support for the efforts of the organization. Those who contribute at the \$1,000.00 or greater level, for example, will be publicly recognized as Gold-standard contributors. Those who donate a minimum of \$500.00 will be recognized as Silver-standard contributors, and those who choose to contribute a minimum of \$250.00 will be recognized as Bronze-standard contributors. For the year 2024 the MI Healthy Lake Champions contributed \$2450.00 and were instrumental in keeping the MWA solvent! For 2024 the Gold contributor was Bob and Lynne Frye, the Silver was John Ogren, the Bronze were Ed Highfield, Paul Fallon, Scott Brown and the Island Lower Long & Forest Lake Property Owners association. Thank you all for helping to keep the MWA boat afloat!

Dick Brown President Emeritus

After receiving Dick Brown’s (MWA Vice President and former MWA President) resignation from the board due to mobility and health issues, the Board of Directors unanimously voted to name Dick the President Emeritus of the MWA. It was during Dick’s tenure as president of the Michigan Lakes and Streams Association that enabled the creation of the MWA. Very few Michigan citizens have dedicated more time, talent and treasure to the protection and preservation of Michigan’s Lakes and Streams. As President Emeritus, Dick will continue to advise the board. Thank you, Dick, we are all in your debt!

What Lake Associations Can Do To Overcome EGLE Regulatory Hurdles **by Jennifer Jermalowicz Jones**

Anyone who has decided to mitigate waters of the state knows that the Michigan Department of Environment, Great Lakes, and Energy (EGLE) requires statutory permits. The permits are required to protect the waters from harm and must comply with the Natural Resources Environmental Protection Act (NREPA) P.A. 451 of 1994. Permits are required for activities such as aquatic herbicide treatments, dredging, aeration, dock placement, and the use of structures that may be placed on the lake bottomlands. It is important to follow these permits as they aim to protect our waters and are strictly enforced by EGLE. Some permits (such as the use of weed rollers or benthic barriers) require a minor permit, whereas others (such as dredging and lake aeration) require a joint permit between the United States Army Corps of Engineers (USACE) and EGLE.

Here are some tips to help lake associations and riparians:

1. Pay attention to detail when filling out your application as it will increase the probability of acceptance. If you have questions on the permit, you should contact your local EGLE district office, and they will assist you with any questions by visiting the following link:
<https://www.michigan.gov/egle/contact/district-office-locations>
2. Be sure to have details on the project sorted out prior to application of permits. This includes maps of the project location and GPS coordinates, size of proposed treatment area or area of activity, and other relevant data and drawings. Project requests should be as specific as possible and not be harmful to the environment. Google Earth is an excellent resource widely available that is simple to use and generates accurate maps for reference. Visit: <https://www.google.com/earth/about/>
3. Contact your lake Michigan State Representative. They are passionate about serving the citizens of their region and care for our waters. They have connections with the Governor that can be useful if lobbying efforts are needed to facilitate permitting activities. To view a list of all state representatives, visit the following link: <https://www.house.mi.gov/AllRepresentatives>
4. Provide scientific evidence or rationale for intensive permits related to lake management or restoration. This often requires ample scientific research including peer-reviewed citations and case studies where similar approaches have led to successful outcomes. University libraries and online search engines such as Google and Google Scholar are excellent sources of scientific data and information.

Michigan's Powerful Recreational Boating Industry Prevents Legislation

Introduced to Help Minimize the Harmful Impacts of Wake Boats – Scott Brown

A well-funded intensive lobbying effort conducted by Michigan's powerful recreational boating industry has prevented the enactment of legislation that had been introduced to help minimize the adverse impacts of wake enhanced watercraft operating on Michigan's inland lakes. Sponsored by State Representative Julie Rogers of Kalamazoo, if passed into law, MI House Bill 5532 would have created guidelines for where wake boats could operate without damaging sensitive inland lake ecosystems. The language of MI House Bill 5532 would have required wake boat operators to stay at least 500 feet from shore and in water depths of at least 20 feet when engaged in enhanced wake mode.

Restrictions based upon distance from shore and on minimum water depth, would have helped protect larger inland lakes from the adverse impact of wake boats and would have also served to keep wake boats out of small, and/or shallow inland lakes. The substantive findings of several peer reviewed scientific studies that have been conducted in recent years clearly demonstrated that wake boats operating on many of the inland lakes of Michigan are responsible for rendering an array of harmful impacts on frequently exposed aquatic ecosystems.

Strident Opposition from County Health Departments and the Real Estate

Industry Prevents the Passage of State-Wide Septic Code Enabling Legislation -Scott Brown

Efforts to pass legislation that would have established a statewide septic code have met with failure in the Michigan House of Representatives due to opposition by the real estate industry and by many county health departments. Although the Michigan State Senate managed to pass septic code enabling legislation by a small margin in the final days of their 2024 session, the Michigan House of Representatives concluded their internal strife laden 2024 session without even bringing septic code legislation up for a vote. It is important to point out that Michigan is the only state in America that has not established a statewide code for regulating construction, inspection, and periodic maintenance of septic systems. Recognizing the increasingly dire need to address the fact that several billion gallons of raw sewage flows from hundreds of thousands of failing residential septic tanks into Michigan's streams, rivers, and lakes each year, several state lawmakers introduced legislation earlier in the year that would have helped to remedy a tragic situation that continues to jeopardize public health while also degrading the capacity of our freshwater gems to contribute immense ecological and economic services to our economy and to our culture. In the continued absence of a statewide septic system code, only 11 of Michigan's 83 counties have passed local ordinances that regulate the construction, inspection, and maintenance of residential septic tanks and their associated drain fields.

Introduced during the 2024 legislative session, the enactment of MI Senate Bill 299, MI Senate Bill 300, MI House Bill 4479, and MI House Bill 4480 would have established a statewide septic system code that would have helped resolve the fact that one quarter, or 330,000 of Michigan's 1.3 million septic tanks spill almost six billion gallons of E. coli and harmful chemical contaminated wastewater into our freshwater treasures each year due to the fact that they have not been properly maintained or pumped out on a regular basis. The severity of the problem in Michigan is effectively illustrated by the fact that roughly half of our rivers and streams have been contaminated with human fecal matter derived Escherichia coli (E. coli) bacteria levels that greatly exceed the minimum concentrations that are known to be responsible for the onset of a dangerous array of debilitating human diseases.

For those of us who understand and appreciate the vast contributions that our freshwater resources make to Michigan's 'blue' economy and culture, it is difficult to understand how otherwise responsible state legislators can allow hundreds of thousands of failing septic systems to continue to degrade tens of thousands of freshwater ecosystems – our lakes, our rivers, our streams, our creeks, our wetlands, and our ground water aquifers - while at the same time presenting a significant health threat to the people of Michigan. Readers of this newsletter can be assured that Michigan Waterfront Alliance will continue our pro-active efforts to convince state law makers of the increasingly dire need to enact legislation that would establish a state septic system code.

MWA Legislative Issues Update – Winter 2025 – Matt Kurta, Karoub Associates

With the election behind us, Republicans now control the Michigan House of Representatives with a 58-52 majority, ending a unique two-year period where Democrats controlled every level of power in state government. House Speaker Matt Hall (R-Richland Twp.) will preside over the 2025-2026 legislative session in the House, and as of this writing we are still awaiting details on the makeup of House committees.

We have done a tremendous amount of legislative outreach over the last few years, and as we enter a period of split partisan control in Lansing, we are hopeful that we can make some progress on our

issues with friends on both sides of the aisle now having the power to shape policy and budgetary discussions. We also will continue asking the Whitmer Administration, EGLE, and DNR to make inland lake water quality issues a priority for state government.

Recreation Passport Opt-Out – Scott Brown

If it had been enacted by the state legislature, and signed into law by Michigan's Governor, the language of House Bill 5428 would have required Michigan's Secretary of State to modify language on the application for the annual purchase of vehicle license plates or license plate renewal tabs that pertains to the option of the purchase of the recreation passport from one of 'opt in' to 'opt-out'. In other words, action on the part of the license applicant to 'opt-out' would be required to not automatically purchase the recreational passport. Michigan's recreational passport provides year-round vehicle entry into all Michigan state parks, state owned public boating access sites, and other state owned recreation areas. Revenue generated by the purchase of recreational passports in Michigan helps the Department of Natural Resources fund state park operations and maintenance, and grant funding opportunities for locally owned parks. If passed into law, sponsors of the legislation believe that the revised language regarding the annual purchase of Michigan's recreational passport will help generate substantially greater revenue that would be utilized by the Michigan Department of Natural Resources to improve and properly maintain Michigan state parks and public boating access sites. Revisions to the vehicle license tab application would not occur until the 2026 license plate or renewal tab purchase time frame. House Bill 5428 was not enacted and will have to be reintroduced in the future to be passed.

Swimmer's Itch Update – Greg Semack, President, Higgins Lake Swimmers Itch Organization

The dermatitis known as Swimmers Itch (SI) has long been a nuisance in northern Michigan lakes. What lake associations need to know is that it CAN be controlled. A peer reviewed paper was published earlier this year that describes the success that has been found by trapping common merganser ducks and relocating them early in the summer to places that do not have evidence of the Stagnicola snail. In short, separating the ducks and the snails, that are by far most likely to create SI cases, breaks the cycle. To access the paper and review the details and success of the relocation program, please use this link.

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0288948>

On both Higgins Lake and Crystal Lake, merganser relocation programs that were started in 2015 have reduced SI cases since that time to extremely manageable numbers. Although SI will likely never be totally eradicated, people at Higgins Lake routinely comment that they think SI has been eliminated. The numbers of infected snails in both Higgins Lake and Crystal Lake were reduced to nearly zero by diligently removing hens and ducklings in early summer. For reasons still being determined, the ducklings are most easily infected and can produce large numbers of parasites that seek snails as the next stage host. The parasite created by snails is the one that can cause the allergic reaction that is commonly called Swimmers Itch. By relocating the ducks before the parasite within the ducklings becomes viable, the cycle is broken and the snail infection level is reduced, thus greatly reducing cases of SI.

Further proof of the success of this program is that when the relocation program was suspended for two years by the MDNR because of Avian Flu (HPAI), cases of Swimmers Itch returned to Crystal Lake in great numbers as soon as relocation was interrupted.

Although other avian species and even some mammals are capable of cycling with specific snails to produce a Swimmers Itch causing parasite, a recent study has shown that the common merganser duck, cycling with the Stagnicola snail produces a parasite that is much more likely to cause Swimmers Itch cases than any other host pairs. This study can be found at the following address.

<https://www.mdpi.com/2076-0817/11/6/651>

In summary, if you want to dramatically reduce Swimmers Itch, You can ! If you've thought it was not possible, think again! In the words of Mark Twain, "It ain't what you don't know that gets you in trouble; it's what you know for sure that just isn't so". Swimmers Itch CAN be controlled! Feel free to contact the Higgins Lake Swimmers Itch Organization (hlsio.org) for details of how it can work for your lake.

From MWA Treasurer Ed Highfield: THANK YOU for your support of the Michigan Waterfront Alliance. Without your support, Michigan Waterfront Alliance (MWA) will not be able to continue its mission. Fewer and fewer people are willing to financially support the MWA to protect our lakes, rivers, and streams preferring to sit on the beach and bury their heads in the sand, thinking they have no hope of making things better for Michigan's inland lakes and streams. The MWA is the watchdog group that is constantly keeping an eye on what is happening in Lansing, trying to make sure laws are not passed that are going to harm our lakes, rivers and streams. Again, we are the only organization that can do this. As you can see all this takes money and without your support, we cannot do it. So again, thank you for supporting the Michigan Waterfront Alliance.

Best Regards,

Your Michigan Waterfront Alliance Board of Directors

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MICHIGAN WATERFRONT ALLIANCE

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Michigan Waterfront Alliance Annual Membership

Dues for 2025 Payable by February 28, 2025 (or for lake associations, until association board approval)

_____ () ____ - _____

Last Name _____ **First Name (s)** _____ **Phone** _____

Street Address _____ **City** _____ **State** _____ **Zip Code** _____ **Email Address** _____

County _____ **Township** _____ **Lake or Stream Association if established** _____

___ **Individual Membership dues \$75** \$ _____

___ **Lake Association Membership dues \$150** \$ _____

___ **Corporation Membership dues \$200** \$ _____

___ **My Healthy Lake Champion – Dues Included with all Champions**

Gold \$1000 ___ **Silver \$500** ___ **Bronze \$250** ___ \$ _____

___ **Legal Assistance Fund** \$ _____

Total Enclosed \$ _____

Please Make Checks payable to: Michigan Waterfront Alliance

Mail to: MWA, P.O. Box 392 Mecosta MI 49332-0392

For recording only) Membership # _____ **Check #** _____ **Date received:** _____

Michigan Waterfront Alliance

PO Box 392

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