

## President's Message

by Pat Springstead, HLPOA President



Now that 2009 is in our rear-view mirror, let us hope the economy improves and that 2010 brings improved weather too. Although the weather hampered the recreational activities on the lake, the HLPOA was exceptionally busy. We have been involved with many environmental issues pertaining to Higgins Lake, working with local and state officials

within the community to improve everyone's tranquility and quality of life in the Higgins Lake area.

The membership of the HLPOA has been fantastic in their support of their association, and I would like to thank each and every one of you for your support during these challenging times. While other organizations have had a difficult time maintaining membership and finances, we are proud to say that the HLPOA has never been in a stronger position.

I would like to take this opportunity to thank Stan Cooke for his many years of service as our Treasurer. Stan has done an outstanding job of managing our expenses and ensuring our members' dollars are spent prudently. We are delighted that Stan is staying on our board where he contributes a wealth of knowledge. Marv Bolton's business degree from U of M and his willingness to contribute by taking on the Treasurer's position from Stan assures the continuation of Stan's stellar financial management. Thanks, Marv!

I would also like to give a shout-out to Herb Weatherly, who gives a great amount of his personal time to attend all the local meetings (Gerrish Township, County Commissioners, Road Commission and many special meetings) Herb asks many appropriate and thoughtful

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IN THIS ISSUE we focus on nutrient load and invasive species and how you can help Higgins Lake stay clean.

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questions to help further constructive discussions within local political committees and boards. Herb keeps us "in the know" about local issues and provides the board with a written report each month.

We would like to congratulate the Gerrish Township Board for their outstanding hard work this past summer with the opening of the Gerrish Township Community Park Marina. The Marina is sold out for the coming season. The Gerrish Township Board has been thoughtful and even-handed when dealing with lake issues, standing in stark contrast to the Lyon Township Board. Sadly, Lyon Township remains in a time warp, wasting time and money fighting battles of the past, rather than looking to the future as a positive influence. A commitment by them to represent all constituents while striving for improved legal lake access would be a step toward tranquility and goodwill in Lyon Township. More on this subject later in the newsletter.

This year is an election year of great importance to the State of Michigan. As we all know, there has been no state in the union more negatively impacted by the financial downturn as much as Michigan. We will be working as hard as we can to help elect candidates who will have a positive impact on our area and the State of Michigan. We spend a tremendous amount of time talking to local and state officials about the needs of the Roscommon area and Higgins Lake. We are fortunate to have a very good relationship with both the Republican and Democratic officials in Lansing who are always willing to listen to our concerns about the Higgins Lake area.



***This Dec 2009 photo caught our attention because of the large area of ice out in the lake that was not frozen. This is an example of run-off with salt on the road end eroding the shoreline and pouring sand and salt out into the water. The HLPOA is pushing for better environmental management at road ends around Higgins Lake to prevent erosion, nutrient load and contamination.***

On the environmental side, we have a number of very significant issues. Some of our members continue to have very serious erosion issues that need to be addressed. The Cut River Dam has proven incapable of adequately controlling the legal lake level. The problem of milfoil in our lake continues to require our proactive control and targeted eradication. Sure wish there was an answer for swimmers itch, but until the state decides it is as big a problem as the Asian Carp, we will have to wait for them to invest in research to find the remedy. It is hoped that attention to swimmers itch won't be postponed until it impacts tourism revenue.

The HLPOA has initiated a study of the Kennedy and Battin drains to assess their impact on the lake and is seeking solutions to prevent them from draining into the lake without negatively impacting the residents in the neighboring area. More details on these issues follow in this newsletter.



***Photo showing drainage into Higgins Lake from the Battin Drain at Old Point Comfort. It is interesting to note that one of the largest patches of milfoil is right at the drop-off at the point of this drain. The current clearly flows east towards Detroit Point, another location of severe milfoil invasion. By coincidence, the Kennedy Drain flows into Higgins Lake near Chaney Point, where additional large patches of milfoil exist.***

A number of years ago, funding through a 319 Grant Program provided improvements and landscaping at targeted road ends to help prevent nutrient run-off into the lake. Unfortunately, due to many personnel changes at the Road Commission, the maintenance agreement for the 319 Grant Program has slipped through the cracks. As you receive this newsletter, the HLPOA is seeking to follow through on the agreement to maintain the improvements so the lake will be protected from potentially serious environmental problems.



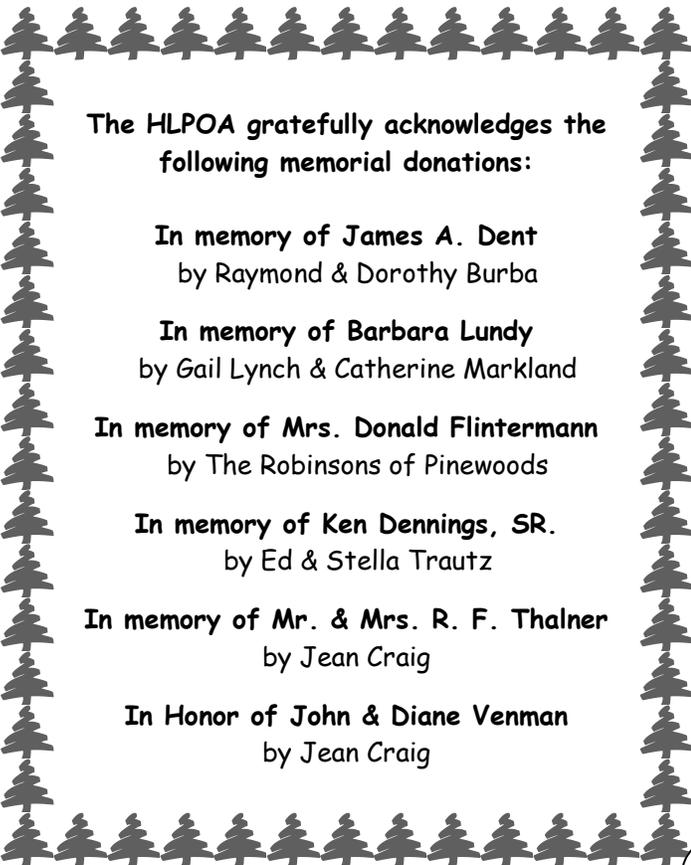
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Within our local community, we are pitching in with personal time and contributions to make life better where possible for young and old. Our involvement includes: Project Graduation, Gerrish Township Shop with a Cop program, Lake Saver Day for the fourth grade students of Roscommon Elementary, Project Hope, and working with the Sheriff Department to help the needy. HLPOA Secretary, Laurie Smith Tudor has made a tremendous contribution of her time and talents in the Gerrish Township CERT Team, Sheriff Dive Team and ACT/NOW group. Volunteer time in the community given by the HLPOA board and members **IS** making a difference.

Even in these difficult times, I have never been more confident and positive about the direction of the issues facing Higgins Lake and our ability as an association to have a positive impact on our lake and community. The successes we have had would not have been possible without the ongoing support of our caring members.

As you enjoy the lake this year, you can take pride in knowing that with your help we will leave a legacy and example to our children and grandchildren showing them how to be good stewards and compassionate people.



**The HLPOA gratefully acknowledges the following memorial donations:**

**In memory of James A. Dent**  
by Raymond & Dorothy Burba

**In memory of Barbara Lundy**  
by Gail Lynch & Catherine Markland

**In memory of Mrs. Donald Flintermann**  
by The Robinsons of Pinewoods

**In memory of Ken Dennings, SR.**  
by Ed & Stella Trautz

**In memory of Mr. & Mrs. R. F. Thalner**  
by Jean Craig

**In Honor of John & Diane Venman**  
by Jean Craig

## Office Central

Noreen Osborn,  
Administrative Assistant



You have probably noticed that this office update isn't coming from Pam Mills, as usual. Pam decided to fully retire at the end of October, so here I am taking over her position. It has worked out very well, as the Higgins Lake Foundation has moved into our office building and I have been the Foundation's Executive Secretary since March of 2007. I enjoy working for both groups very much, and have spent the past few months getting familiar with files and operation procedures. If you have any questions, please let me know.

Here we are in the middle of another winter season, but spring and summer will be here again before we know it, at least that's what I'm hoping for – early would be fine with me!

As you know, 2010 is an important election year. Several changes are coming, and we will keep you informed about the important issues and the candidates.

***Many of you have paid your 2010 dues already – Thank You! As a reminder, and for those of you who still need to pay, a dues/donation envelope is included for your convenience.***

I am looking forward to meeting many of you in the coming months or at the Annual Meeting on July 17, 2010. The meeting will be held at the CRAF Center again this year, so plan on attending. (Bring a cushion!) Until the next time, I wish everyone a safe winter and a great spring and summer.

***We will soon be working on the 2010-2011 HLPOA Member Directory, so in order to have the information correct, I would like to ask that everyone keep me informed of any changes in your mailing and telephone information. You may reach me at the following:***

**Mailing address:** P. O. Box 55  
Roscommon, MI 48653

**Office Location:** 207 Terrace Drive,  
Roscommon

**Phone:** (989) 275-9181

**Fax:** (989) 275-9182

**Email:** [hlpoa@charter.net](mailto:hlpoa@charter.net)

## Milfoil Report - by Marv Bolton

The summer of 2009 was a strange one at Higgins Lake. It was mostly cool and overcast with very few of the sunny, warm and calm days that we all look forward to. Still our group of dedicated and hard-working volunteers managed to brave the cool water and choppy lake to continue the efforts to control milfoil. Three diving work sessions were held to bring up or put down barriers at three different sites in the lake. In addition, many barriers were cleaned and prepared to be reused at another work session. In June barriers were pulled up from a site near Cheney Point. These barriers had been down for over a year and several of them were damaged or moved out of position.



**Chaney Point barriers torn and displaced, most likely the result of boat anchors being pulled across them. Please avoid anchoring near milfoil or milfoil barriers to avoid damaging barriers and spreading milfoil.**

In July, the team pulled up barriers from a site south of the Kelly boat ramp. The August dive session was used to place barriers at a medium sized milfoil patch out from Cheney Point. This action finished covering this patch, which is the second one to be eliminated in the area.

This year, as in past years, the team of hard-working volunteers consisted of a few new people and many dependable veterans of past seasons. All of them give of their precious time at Higgins Lake. Some provide the use of their boats and the gasoline to run them. Others supply their expensive SCUBA gear and the expertise to use it. In all cases they are owed our sincere and enthusiastic thanks for doing a job that is physically demanding, often messy and benefits everyone who has contact with beautiful Higgins Lake.



We plan to continue the benthic barrier milfoil control program in 2010. More barrier material and the supplies needed to go with them will be purchased with funds from the Higgins Lake Foundation through a grant from Entrust in order to increase the area of milfoil that we can cover and to replace worn out or damaged barriers.



**Eurasian Water Milfoil**  
*This noxious weed forms very dense mats of vegetation on the water's surface and is transplanted by hitchhiking on vessels, anchors and motors. It has feather-like leaves arranged in whorls of four around the stem, which may reach lengths of 10 feet or more. A pink-flowering spike appears above the water*

The use of barriers will be combined with other methods of controlling the milfoil, since there is substantial evidence that the barrier effort is not sufficient to completely control milfoil in Higgins Lake. Several very large, very dense patches of milfoil have become established that have outpaced the barriers. (Please see the announcement box at the end of this article for information about the planned chemical treatment of milfoil in the spring.) Anyone who would like to see for themselves the potential effect of milfoil in Higgins Lake should take a look at these large sites. But please avoid running your boat over or through the patch. Every piece of milfoil broken off by a boat hull or propeller has the opportunity to float away and take root at another location in the lake.

### The volunteer scuba divers for 2009 were:



Bob Blamer  
Brian Carson  
Calvin Philips  
John Touscany



Troy Brya  
Dan O'Keefe  
Laurie Smith Tudor



### Boat captains, deck hands and bubble watchers were:

Marie Barrett  
Gerry Holm  
Frank Homola  
Ed Panyard  
Pat Springstead

Chuck Feldman  
Judy Holm  
Rick Meeks  
Wayne Schoeppach  
Vicki Springstead

I apologize to anyone who contributed to the effort and was left off of this list.

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**FREE  
AIR!!**

**Scuba divers providing assistance with the milfoil barriers are able to get free air fills at the Gerrish Township Fire Department after the dive session. The HLPOA will supply divers' names to the FD. Contact Marv for more info!!!**

**(Milfoil Report, continued from Page 4)**

Higgins Lake needs everyone's help in the effort to control this invasive species, Eurasian Milfoil. You can all learn to identify milfoil and report the location of any patch that you find. It generally grows in less than 20 feet of water and can be easily seen from the surface in still clear Higgins Lake. It is best to report the location in GPS coordinates so that the volunteer team can find it.

In addition, we are in great need of more volunteers to help in this effort. That is the only way that we will be able to increase the area that we cover with barriers. Our current group of scuba divers is overworked and has been at this for a long time. Divers are needed along with boats and people to support the divers. We need people on shore to help clean and prepare the barriers. There is a lot to do for everyone who can help.

We would like to also establish some community milfoil control teams. If you find milfoil in front of your property or in your area of the lake, team up with your neighbors to attack it.

The HLPOA can supply the barriers and supplies, and the local community teams can organize the work sessions to put them in place.

Please contact the HLPOA office or Marv Bolton (mgbsail@peoplepc.com) for more information, to volunteer or to set up a local community team.

**Attention:** As we go to press, the HLPOA is working with Aquatic Nuisance to perform a spring chemical treatment of two deep water milfoil sites—near Old Point Comfort and Flag Point.

After the unsuccessful treatment last year, only two sites will be treated using a different chemical in hopes that these two very large and invasive patches can be brought under control. This will be a very site-specific

treatment, and if you live along affected shorelines, you will receive notification prior to treatment. Even though these patches are far out into the lake, the DEQ requires shoreline posting for chemical treatment.

If you have any questions about the chemical treatment, please call the HLPOA office (989-275-9181) for further information. You will need to provide your name, subdivision and address, your particular concern, and someone will call you back with the pertinent information you require.



It is hoped that these spot treatments will succeed in knocking down the milfoil and proving that milfoil can be treated in our deep lake.



**Milfoil barriers are large squares of wool-like fabric that are placed on the bottom of the lake over patches of milfoil. They smother out the light and cause the weeds to die underneath. These barriers need to be in place at least 60 days to eradicate the milfoil—and very often they end up like the picture to the left—torn and crumpled and unable to do their jobs.**

**The barriers are off-white and fairly easy to see, and are located on top of milfoil patches, which are also very easily seen.**

**Please, if you are fishing or anchoring near a barrier site or a patch of milfoil — DO NOT THROW YOUR ANCHOR ON TOP OF THE BARRIERS OR INTO THE WEEDS. Please anchor upwind and drift**

**over the milfoil site if you wish to fish, and try to avoid snagging your anchor on the milfoil or the barriers. Every strand of milfoil that is pulled up fragments into smaller pieces and floats to new locations in the lake to start new weed beds. This milfoil is very invasive and doesn't need our help to spread it.**

**There was not a day that went by last year when strands of milfoil could not be seen floating in the water—the result of being uprooted by anchors and even fishing lines being snagged in the weeds.**

**PLEASE—if you do pull up milfoil on your anchor or fishing line—do not throw it back into the lake. Be proactive and bring a garbage bag or bucket with you and take the milfoil back to the shore where it can be disposed of out of the water.**



**WE NEED YOUR HELP TO STOP THE SPREAD OF MILFOIL!!!**

## Environmental Report by Rick Meeks, Vice President, HLPOA

The lake is beginning to freeze. I feel fortunate that I am here in the winter to watch it go through its cold weather transformations. Every day is different and some days the change is startling. It just makes you feel good and glad to be alive when you can watch as a beautiful clear-sky sunset reflects off the ice.

**WATER TESTING:** As much as I enjoy this time of year, I still prefer the lake when the water is soft. Even though the full Cooperative Lakes Monitoring Program (CLMP) report won't be available till sometime in February, some of the results from this past summer's water testing are beginning to be posted on the MiCorps (Michigan DEQ Clean Water Corps) web site. It is fun this time of year to remember what it was like out there last summer when we were getting the water samples. Since we are measuring temperature and oxygen levels every five to ten feet, we need calm water. Since we are checking water transparency down to 35-50 feet, we need a sunny day. Wow, sunny and flat. Pretty good assignment. Today may be beautiful, but I'll take Higgins in the summer.

Remarkably our water test results, which we conduct out in the center of the lake, remain pretty much unchanged. However, we continue to remind everyone of the results of the several water testing studies conducted over the years by the United States Geological Survey (USGS) which show a dramatic increase in the nutrient loads in the near-shore areas of our lake. I was asked at this fall's MiCorps conference how we publicize the results of our CLMP test results. I answered that we are so concerned that people will be misled and lulled into complacency that we always release the results with a caveat regarding the near-shore concerns.

**NUTRIENT SOURCES:** Lawn fertilizer, leaky septic systems and shore line erosion. To this list of nutrient sources we are attempting to control, we should add the two drains, the Kennedy on the east side of the lake and the Battin on the west side, which dump "black lagoon" water into our lake during heavy rain events. Altering these ditches will not be quick, easy, or inexpensive, and may involve extensive topographic work to make certain that no adjacent property owners are adversely affected during a severe weather event. To start the process we will begin by sampling the water in the ditches. We have contracted with Raven Analytical Labs in Roscommon, and field work will begin in the spring.

**FISHING:** One of the pieces of data we obtain during our summer water testing is the depth of the thermocline once it develops. As fishermen know, this is where many of the fish are, so as a service to our members who fish the lake, we will be posting this information on our web site after we do our water testing on the first and the fifteenth of the month throughout the summer. In addition we are discussing with DNR Fisheries the possibility of developing a fish ladder for the minnows which pool up in the Cut River below the dam in the spring. We are being told that getting the thousands of these little fish into our lake, rather than having them trapped by commercial bait factories, would probably be a natural improvement to the ecology of the lake and a benefit to those fishing it.



*Photo showing black lagoon water from the Battin Drain entering Higgins Lake near Old Point Comfort in the Spring of 2009.*

**BOATWASH:** The opening of the Higgins Lake Boat Wash for the 2009 boating season coincided nicely with the passage of Public Act 91 of 2009. This new addition to state law makes it illegal to launch a boat that has aquatic plants attached to it. According to the DNR records for the 2006 boating season there were 358,609 boats launched at the South Higgins Lake State Park, 154,680 at the North Park and 49,346 at the West State Boat Launch. In addition we have the Gerrish Township Marina launch, concrete ramps on at least five road ends and numerous private ramps. We may have the most access points of any inland lake in the state. Squeezed between the two main north/south highway arteries in the Lower Peninsula we are under extreme threat of contamination from exotic aquatics brought in by boaters.

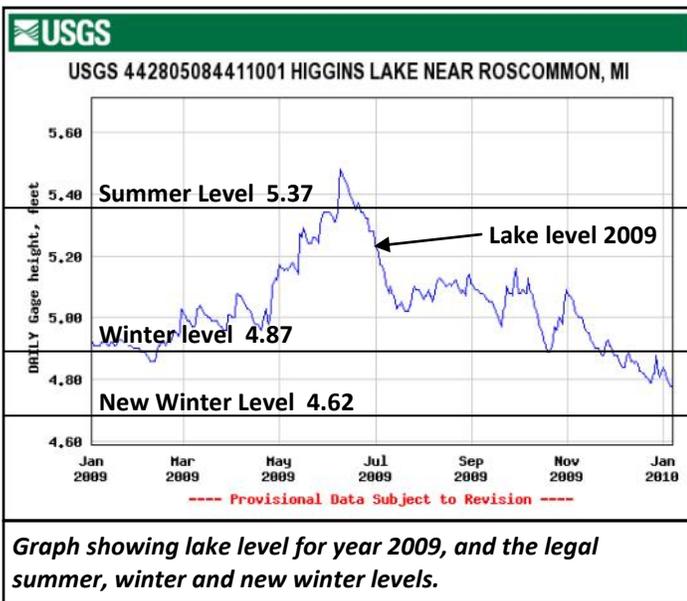
Our boat wash will soon be joined by others on the Lake. Future development plans for both the South State Park and the Gerrish Township Community Park Marina include boat washes. We are preparing for the increased assault on our Lake. However, to see the full benefit of these investments we still need further action from Lansing making the use of these facilities mandatory.



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## Environmental Report *(Continued from Page 6)*

**WATER LEVEL:** At a hearing on November 2, 2009, Judge Baumgartner, acting in response to a petition filed by the Roscommon County Board of Commissioners, issued a new order controlling the winter lake level of Higgins Lake. The new order makes it mandatory to attempt to lower the lake to 4.62, an additional 3" for a total of 9" below the legal summer level, as part of a five-year study period. The new order also states that the drawdown will not begin before September 15th and that the Court will review the effects of the new order in the fall of 2011. The summer level of 5.37 remains unchanged.



This is the second year the Court has allowed a lower winter level. In 2008 a one-year trial drawdown was started on September 15th, and the new lower level was reached late in November. By the middle of December, even with the dam still completely open, the level had started back up. By the end of December 2008, the level had come back up to the old winter level with the dam still fully open. By the end of March 2009, the level had come up about 4 ½" or approximately half way back to the summer level even with the dam still completely open. Once the dam was closed, after the ice was gone, the level continued to come up till it exceeded the legal summer level by more than an inch in early June.

Lake drawdowns are conducted for a number of reasons. October is frequently one of the rainiest months of the year, with April and May coming in close behind. Unless levels are reduced, these rainy seasons can produce high water conditions and cause shoreline erosion. In addition, lower lake levels in the winter months help alleviate ice damage.

A lower winter level also allows the ice to freeze down into the lake farther and helps push the sand back to the beach. Lower winter lake levels will even kill some of the near-shore weeds by exposing them to winter weather.

The current drawdown was not started till October, 2009. By Christmas the level was still approximately 2" above the new level. This was in a year when the National Weather Service records show the combined rainfall for September, October and November 2009 exceeded the average by only ½". We hope the level continues to fall but are beginning to have our doubts. You can easily track the level yourself via the link through the HLPOA website.

Thank you to everyone for your continued cooperation and efforts to protect our beautiful lake.



### NUTRIENT LOAD AND MILFOIL:

Two drains in Higgins Lake pour brackish water into Higgins Lake in major quantities every spring. They continue to leach nutrient laden water into the lake as long as they have water in them.

Is it coincidence that the largest patches of milfoil can be located a short distance from these drains? Do these drains feed the milfoil and cause it to proliferate? Bill Baker, Chair of the Environmental Committee of the Higgins Lake Foundation, and avid Higgins Lake researcher, has long theorized that the nutrient level in the areas where the milfoil is heavy must be different than elsewhere in the lake. There has to be a reason that the milfoil grows so well in some places and doesn't seem to crop up in others. Bill intends to take samples of the lake bottom where the heavy patches of milfoil grow and other sites where it doesn't and compare the results.

The location of the drains and nutrient load into the lake and the close proximity of the largest milfoil sites would seem to confirm Bill's presumption that the milfoil likes to settle in the more nutrient rich parts of the lake. Perhaps this next summer, the HLPOA will be able to find a way to collect these samples and have them tested.

**What we know for sure is that if nutrient load continues—from drains, road ends, septic, lawn fertilizers — pretty soon, all of the lake bottom will become fertile ground for milfoil propagation and other invasive species.**



# Captain Tap's Beachside Bistro

adjacent to Treasure Island - serving rare and exotic invasive species

**INVASIVE SPECIES ... the next big thing?** Captain Tap is a successful restaurateur downstate with vision and innovative business savvy and he's not waiting. When invasive species have choked out, eaten up and taken over our world, your local restaurant menu might look something like this.

## STARTERS



- zebra mussels Rockefeller** 7.  
zebra mussels on the half shell roasted with a creamy hydrilla and spinach Pernod-infused crumb crust sprinkled with sea salt crystals.
- round goby in mystery snail garlic butter and curly leaf pondweed** 6.  
juicy round gobys simmered in garlic mystery snail butter served on the half clamshell topped with chopped curly leaf pondweed.
- asian carp with zebra mussels and eurasian milfoil mayonnaise** 8.  
tender asian carp poached in a tangy lime ragout drizzled with rich creamy eurasian milfoil mayonnaise with croutons.
- invasive species sampler platter** 12.  
a delightful offering of steamed zebra mussels, mystery banded snails and quagga mussels with a starry stonewort remoulade.

## Sushi offerings—9.

- curly leaf pondweed rolls with smoked goby
- sea lamprey tail sashimi
- ahi bluegill cheek sushi
- round gobys tempura
- creeping yellow cress and zebra mussel sushi



## MAIN OFFERINGS

*main offerings served with Sparkling Higgins Lake Bilge Water and a chopped salad of Eurasian milfoil, creeping yellow cress, phragmites, and purple loosestrife tops.*

- quagga mussels l'orange**—tender quagga mussels simmered in a secret herb and spice broth basted with sweet orange white wine sauce. 25.
- deep fried sea lamprey**—succulent sea lampreys cleaned and stuffed with purple loosestrife blossoms encrusted with starry stoneworts deep fried in banded mystery snail oil finished with a tangy creeping yellow cress balsamic reduction. 27.
- banded mystery snails and puffballs in herbed cream**—butter-poached banded mystery snails and puffballs in creme fraiche simmered with shallots, garlic and chopped phragmite tops. 23.
- tea-smoked cormorant breast with pears and huckleberry jus**—boneless cormorant breast halves marinated in exotic spices with ginger and cinnamon surrounded by roasted vegetables drizzled with a light huckleberry madeira wine jus and a side of pears poached in tannin laced swampwater. 35.
- roasted merganser breasts with faro risotto and cormorant confit**—mouth-watering roasted merganser breasts served over tender faro risotto with chopped curly leaf pondweed nestled in a rich cormorant confit. 32.
- whole bluegill with ginger and starry stoneworts**  
whole bluegill rubbed inside and out with starry stoneworts and sea salt baked with ginger matchsticks in a light soy sauce, accompanied by baked cheese hydrilla grits. 24.

Dock side service available

## Reflections on ML&SA (Michigan Lakes & Streams Association) Conference 2009

The HLPOA booth this year focused on the grand opening of the Higgins Lake Boat Wash, a project we are very proud of. Participating in the annual conference were representatives from lake associations and lakes throughout Michigan. Word that Higgins Lake had a boat wash had already spread, and attendees were curious to find out how we did it—and complimented the HLPOA on their forward thinking and action. It was a bit disheartening to hear time and time again, other lake associations with invasive issues at their own lakes admit there was no way they could ever accomplish a boat wash on their lake. Invariably, they brought up roadblocks to having a boat wash at their lake, or a milfoil program, or anything, saying things like – our association doesn't have as many members as yours, or our lake isn't as big as yours, we would never be able to do anything like that, we don't have that kind of money, we don't have that kind of support, it would never work on our lake, who would staff it, and what about the liability? On and on and on.

Bottom Line? Higgins Lake has a boat wash because the HLPOA has a CAN-DO attitude. Instead of saying, "we can't," we say "How can we?" We identify a problem, come up with a solution and then figure out a way to get it done. Step by step—just do it. HLPOA leaders think and talk about solutions instead of roadblocks.

The HLPOA is blessed to have forward-thinking doers on their board, and the wonderful support of their members. We here at Higgins Lake are perceived to be leaders throughout the State, setting the bar for the other lakes to follow — because we find a way to accomplish our goals.

The HLPOA will always remain steadfast in our convictions, we will always defend our rights and we will always step up to the plate and do what needs to be done to keep our lake clear and clean for future generations.

It is what we do here at the HLPOA — as a matter of fact, it's our MISSION — "To protect, preserve and enhance the quality of Higgins Lake and its surrounding watershed."

**Thank you to all of our members  
who join us by supporting our mission.**

*Thank  
You*

**Thank you to all of our partners:  
Including the Higgins Lake  
Foundation, Roscommon County  
Community Foundation, Entrust,  
and the DNR . . . We couldn't do it  
without you!!**



**THE PAST:** 10,000 years ago the last Pleistocene glacier retreated across this region, leaving behind the Great Lakes and their drainage basin. The first human inhabitants arrived soon thereafter, living off abundant game, fertile soil and clean water. By 1,600 AD, the native population of the Great Lakes Basin exceeded 100,000. It was composed of distinct and widely scattered tribes, who spoke one of three common languages: Iroquoian, Algonquian or Siouan. Each tribal group gathered seasonally in villages of 100 to 500 people. In the 1600's European exploitation began, changing forever the native people and the Great Lakes.

**THE PRESENT:** Today, about 37 million people live within the Great Lakes Basin, comprising 10% of the U.S. population and 25% of Canada's. One of the world's largest concentrations of industry generates a level of human activity that has drastically altered the region and its ecosystem. When the first Europeans arrived, vast stands of hardwoods dominated the southern Great Lakes. In the north, dense evergreen forests were interspersed with clean lakes and rivers. Now only a few, small vestiges of the original forests remain. Toxic air and water pollutants are found even on isolated Isle Royale. While we exploit our natural resources, we are damaging the capacity of the ecosystem to renew itself, thus destroying life within it—perhaps including ourselves.

**THE FUTURE:** Disruption of the Great Lakes ecosystem will continue into the foreseeable future. However, major reductions were made in water pollutants during the 1970's, resulting in cleaner water throughout the lakes. The citizen involvement and government actions that brought these improvements provide hope that acid rain, air pollution, toxic and nuclear waste problems can also be solved. Future generations depend on us to do so!

***Wild beasts and birds are by right not the property  
merely of the people alive today, but the property  
of the unborn generations, whose belongings we  
have no right to squander.***

**Theodore Roosevelt – 1915**

*(Words above from a sign on Lake Michigan at Mackinac City)*



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## ***Caring for Higgins Lake . . .***

*. . . If you BOAT on Higgins Lake . . . it IS your problem . . . AND your responsibility.*

*. . . If you FISH on Higgins Lake . . . it IS your problem . . . AND your responsibility.*

*. . . If you SWIM in Higgins Lake . . . it IS your problem . . . AND your responsibility.*

*. . . If you LIVE on Higgins Lake . . . it IS your problem . . . AND your responsibility.*

*. . . If you CARE about Higgins Lake . . . it IS your problem . . . AND your responsibility!*

### ***What can you do???***

1) *At the very least . . . Be a member of the HLPOA and support the organization that is ACTIVELY working to keep this lake pristine.*

2) *Have your septic system inspected and maintained often to insure sewage is not leaching out into the lake.*

3) *Stop fertilizing your lawn if you live near the lake, those fertilizers leach down through the soil and end up in the lake.*

4) *Fish responsibly . . . Adjust your anchoring practices to make sure you are not dragging an anchor through weed beds and spreading milfoil and other invasive species. Bring any fragmented weeds back to shore and dispose of them on the dry beach where they will die, instead of starting new weed patches.*

5) *Boat responsibly . . . maintain and operate your boat in a way that does not add excessive gas and oil into the water. Avoid running motors over weed beds.*

*WASH YOUR BOAT at the Higgins Lake Boat Wash and keep it free of weeds and invasives.*

6) *Become an advocate for Higgins Lake . . . Write letters and speak to the elected public officials who are in charge of taking care of Higgins Lake and make sure they proactively protect the lake from excess road-end run-off, ground-water pollution, and other threats to the lake.*



**Remember . . . Higgins Lake is a wetland  
and it is endangered.**

***Please help the HLPOA in its mission:  
To protect, preserve and enhance the  
Quality of Higgins Lake and its surrounding watershed.***

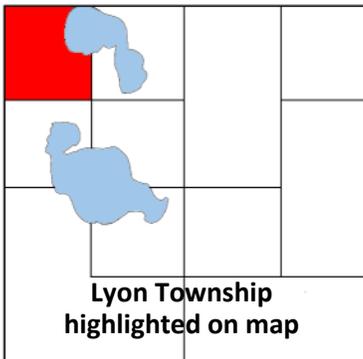
# Legislative Report

by Pat Springstead, HLPOA President

Communication with local and state politicians continues to be exceedingly important. Although our thoughts do not always mesh, we have developed relationships of trust that enable us to openly discuss and share ideas together. Your board has worked very hard to engage political leaders in dialogue to help preserve and protect Higgins Lake and improve the quality of life for everyone who lives in the Higgins Lake Watershed.



This year should be very active politically due to economic conditions in Michigan. By the time you read this, the majority of the legislative activity should have taken place. However we must remain vigilant because, as history repeats itself, there are those who attempt to manipulate Lansing politicians by introducing misleading and unconstitutional legislation on issues that have already been adjudicated. For example: Senate Bill 736, introduced by Senator Basham from the Detroit down-river area which does not even have a lake in the District. Senate Bill 736 mirrors a proposal introduced in late 2008 that would have affected a road end in Lyon Township.



This year a Lyon Township official, with help from a few select individuals, misled Senator Basham with false information to introduce Bill 736. The bill could only be applied to Higgins Lake with the purpose of setting up a "pilot

program" at a road end to build a marina. It is very unusual for a Senator to introduce a bill that would impact the area within another Senator's district. Fortunately, this bill was sent to the Government Operations Committee, chaired by Senator Bishop. The Senate leadership wisely realized that this bill was a new version of legislation that Attorney General Mike Cox's opinion paper stated would be unconstitutional and would not stand up to judicial review.



The Supervisor of Lyon Township continues to allow a few unenlightened people to influence his program in a negative way, preventing positive steps to legal lake access. With legislative efforts by Lyon Township hitting dead ends in the Senate, their latest tactic is to use the Road Commission right-of-way stakes to harass lakefront property owners. It would be unfortunate if the RCRC would again allow themselves to be drawn into the politics of the past. It was not too long ago that a past Lyon Township Supervisor, who is also a current board member of The Civic Assn., also used such tactics to harass lakefront owners.



The actions of some on the current Lyon Township Board could potentially initiate a recall petition. In early 2009 Rick Meeks and I made a personal call on Fred Koenigbauer, Lyon Township Supervisor, to tell him that we would like to work with him to make life more enjoyable for everyone in Lyon Township. During that meeting I gave Mr. Koenigbauer my personal cell phone number and asked him to call me if he had any questions or problems that he thought we could help the township with. Unfortunately, I have not received the first phone call while they have worked to drive a wedge between residents who live on the lake and those who do not. Fortunately, they are the only local political group in the Higgins Lake area that continues to have a negative impact on the area.



The Governor has merged the DNR and the DEQ and the merged group will be called Department of Natural Resources and Environment (DNRE). The DNRE will oversee and be responsible for the environment and recreational activity in the State of Michigan. This was done to reduce cost and increase oversight. The Governor will appoint a person who will be responsible for the combined departments. There are also plans underway to find dedicated funds for our State Parks. The State of Michigan has agreed to keep the Michigan Wetlands program under State control for the next three

## Legislative Report *(Continued from page 12)*

by Pat Springstead, HLPOA President

years. The wetlands were originally going to be overseen by the Federal Government, but the legislature agreed to take six million dollars from the bottle deposit fund to cover it. Keeping local control over our wetlands is very beneficial for the environment.



The legislature has passed, and the Governor has signed Public Act 91 in September, 2009. This new public act will assess a fine not to exceed \$100.00 for launching a boat with invasive aquatic plants attached. This is a good first step in additional protection for our lakes.

This concludes the report of local and Lansing political activity in 2009.

***The HLPOA will remain dedicated to working with local and state officials representing you and working as a positive force for the residents of Higgins Lake and the surrounding watershed.***



Rick Meeks and Pat Springstead present Anna Sylvester, DNR District Supervisor, with the Friend of Higgins Lake Award to honor her extraordinary support in making the Higgins Lake Boat Wash a reality.

## Legal Update

By: William L. Carey and Richard J. Jaskowski  
Counsel to the HLPOA

The HLPOA has been active in legal matters affecting the use of Higgins Lake and the riparian interests of its members. This legal report will summarize the legal activities of HLPOA through December, 2009.

**Hitchcock:** Summary Disposition was previously granted to Plaintiffs in this matter, which prohibited non-temporary mooring of water craft from the road end. The only remaining issues in the case are Defendants' claims to shoreline activities at the upland portion of the road end. A trial was held on August 14th and 15th of 2008. The trial court applied the Jacobs rules to Hitchcock. The defendants in the case have filed an appeal with the Michigan Court of Appeals and the appeal remains pending at this time.

### **Sovereign Park Plat Amendment/Lake Drive:**

A lawsuit seeking to change the dedication language of the plat of Sovereign Park is currently pending before Judge Michael Baumgartner in the Roscommon County Circuit Court. The purpose of the lawsuit is to have the judge rewrite the plat dedication language so as to allow for uses of the roads within the plat for boat mooring, sunbathing, picnicking and lounging. The lawsuit recognizes that the rule of Jacobs precludes using the roads within the plat for boat mooring, sunbathing, picnicking and lounging. Now the plaintiffs in that lawsuit are asking the judge to change the language so that Jacobs cannot apply.

This matter has a settlement proposal under advisement by the litigants which, if accepted, fully resolves the case. Settlement or trial is expected in the first quarter of 2010.

**Almeda Beach/Don M. Boulevard:** The Higgins Lake Civic Association has initiated a lawsuit against the lakefront property owners living adjacent to Don M. Boulevard. Don M. Boulevard is a lakeside boulevard located in the Plat of Almeda Beach Subdivision. Almeda Beach Subdivision is located just easterly of the Higgins Lake South State Park. In that case, the Higgins Lake Civic Association claims that the rights of its members to use Don M. Boulevard have been infringed upon by the lakefront property owners. The Civic Association claims various encroachments on the boulevard, along with the way the front lot owners are using the boulevard, preclude, or make difficult, easy access for the Civic Association members. The Civic Association, in its lawsuit, also claims that the front lot owners have, from time to time, harassed the Civic Association members for using Don M. Boulevard. Most importantly, the Civic Association, in its lawsuit, claims that the public has the right to picnic, lounge, sunbathe, and enter Higgins Lake from Don M. Boulevard.

*(Continued on Page 14)*

**(Legal Update, continued from Page 13)**

The front lot owners sued in this litigation have answered the lawsuit. In that lawsuit, the front lot owners deny any acts of harassment or illegal encroachments. The front lot owners further note, in their defense of this lawsuit, that the boulevard is under the jurisdiction of the Roscommon County Road Commission. The Roscommon County Road Commission has not voiced any objection to the manner in which the front lot owners have used Don M. Boulevard. The front lot owners, collectively, deny that the public has a right to picnic, sunbathe, and lounge on Don M. Boulevard. Finally, the front lot owners also claim to own Don M. Boulevard through adverse possession.

**Kelly Beach Boat Ramp:** While HLPOA and the Michigan Central Park First Addition Subdivision homeowners association did not oppose the installation of the ramp, legal proceedings have been instituted by those groups to ensure reasonable township controls on use. Action has also been commenced to ensure that no dredging will occur relative to ramp usage. Finally, HLPOA and the homeowners association seek to eliminate all boat mooring at that site.

A significant issue in the case is whether the DEQ acted properly in granting the ramp permit to a private citizen as opposed to a local unit of government. This legal issue has been briefed by the parties and decided by the administrative law judge.

A resolution of the Kelly Beach boat ramp matter is expected to be reached in 2010. HLPOA is advocating for the township to assume ownership of the ramp so it can be regulated and maintained in the public's best interests.

**Baum v Charlevoix County Road Commission:**

HLPOA is participating as a friend of the court (amicus) in a case pending on Lake Charlevoix. The Charlevoix case is titled Baum v Charlevoix County Road Commission. Baum has major implications for lakefront property owners whose homes are adjacent to lakeside boulevards. Currently the lakefront owners in Baum, (as Plaintiffs), are asking for Michigan Supreme Court review. A decision on the request for review is expected in the first half of 2010. The case itself has been given extensive analysis in the *Michigan Riparian Magazine*.



**Conclusion:** HLPOA and its homeowner association partners continue to work toward protection of the environmental quality of Higgins Lake. HLPOA and its subdivision partners also are working to ensure that all riparians on Higgins Lake enjoy their property and their associated riparian rights. HLPOA will be diligent and comprehensive in its efforts to protect the interest of Higgins Lake and its riparian members.

**Respectfully submitted by:**

**William L. Carey and Richard J. Jaskowski**

**Legal Counsel for HLPOA**

**December, 2009**

**Higgins Lake Property Owners' Association  
Board of Directors**

<b>President</b>	<b>Pat Springstead</b>
<b>Vice President</b>	<b>Rick Meeks</b>
<b>Secretary</b>	<b>Laurie Smith Tudor</b>
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Russ Kidd, Pat Springstead and Rick Meeks at the Conservation Expo in Houghton Lake.

## Higgins Lake Political Action Committee (HLPAC)



The election year of 2010 should be very important to the State of Michigan and the Higgins Lake area we love. The convergence of a bad economy and an election cycle when almost all the offices that affect us are up for change

creates an opportunity to have a positive effect on the future of Higgins Lake and the area that surrounds it.

Michigan will be electing a new Governor who we hope can start us in a new fiscally responsible direction and stabilize a state that has been losing too many citizens to other states and causing those who remain here to suffer. On the state level, we will be electing a new State Senator for our area. Senator Michelle McManus has been a very positive influence on the environment of Higgins Lake over the last eight years. Senator McManus serves on the Senate Appropriations Committee, where she is the chair of the Department of Natural Resources Subcommittee and the Joint Capital Outlay Committee. She helped immensely with the cluster sewer system at the American Legion. We will be looking to support a candidate who has the same passion for the environment.

We will also be electing a new Representative for the 103rd District. Representative Joel Sheltroun is term-limited and will be running for a Senate seat in a district outside our area. We had some difference of agreement with Representative Sheltroun in his first term; however, he has been a strong voice for Roscommon County and worked very hard to improve the economy in his district.

**ON THE LOCAL LEVEL,** we will be electing Roscommon County Commissioners. This is an extremely important election because the commissioners have a direct impact on the dam at Higgins Lake and the lake levels, consequently the potential for erosion control or erosion damage is their responsibility. Again this year the commissioner in charge of the dam committee did not manage the dam correctly; therefore, the lake was not brought down to the Court mandated level, which increased potential for serious shoreline erosion. This is just one example of why the County Commissioners election is so important to all of us.

The Roscommon County Road Commission also has a seat up for this election. We continue to work very hard with the Road Commission to improve the environment and quality of life at Higgins Lake.

At the present time we do not know who will be running for these positions. The Higgins Lake Political Action Committee will take on the task of a review of those running, conduct personal interviews and make recommendations to our members with names of those we believe will have the most positive influence on Higgins Lake and the surrounding area. As we all know, it requires a lot of money to run for both state and local offices. Our PAC makes contributions to those candidates who have positions on issues that are favorable to the environment and quality of life at Higgins Lake. The candidate study process also makes us aware of those who may have a negative impact on our quality of life if elected.

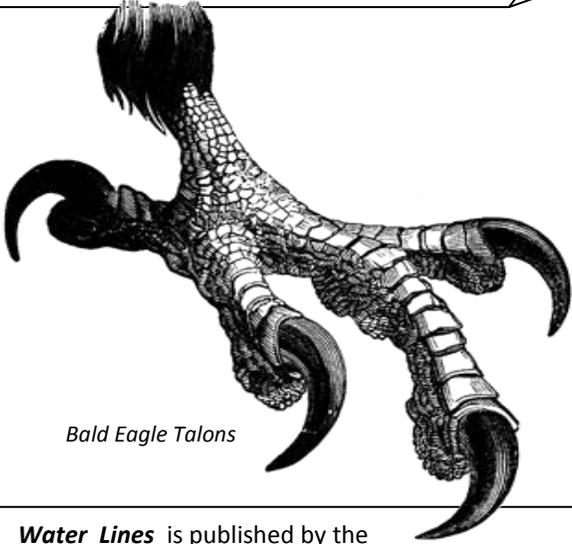
This coming spring you will be contacted directly by the HLPAC to further inform you on political issues and candidates. At that time they will ask you to consider making a contribution to help us fund the candidates and causes that impact our life. We hope that you will be able to contribute to help elect public officials who will have a positive impact on Higgins Lake and its surrounding Community.

**The HLPOA  
is working for you**

**protecting, preserving  
and enhancing Higgins Lake  
and its surrounding watershed**

**Mission statement:**

*The mission of the Higgins Lake Property Owners' Association (HLPOA) is to protect, preserve, and enhance the quality of Higgins Lake and its surrounding watershed.*



*Bald Eagle Talons*

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**Visit HLPOA online at [www.hlpoa.org](http://www.hlpoa.org)  
Office 989-275-9181**

**Save the date**

**HLPOA  
Annual Meeting  
July 17, 2010**



HLPOA  
P. O. Box 55  
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***We are happy to receive corrections.***

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