



Higgins Lake Property Owners Association

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October 30, 2015

Larry A. Harrison, Permits Chief
U.S. Fish & Wildlife Service
Migratory Bird Permit Office
5600 American Blvd. West
Bloomington, MN 55437-1458

RE: Gerrish Township Permit
(Special Purpose - Miscellaneous Permit (MB56627B-0)).

Dear Mr. Harrison:

We are writing on behalf of our membership to express concerns regarding reported violations of the subject permit issued to Gerrish Township and a proposal by Gerrish Township to request an enhanced permit that would allow them to conduct a copycat program replacing SICON LLC (SICON). The importance of the issues raised in SICON's letter of complaint dated August 28, 2015 is amplified by its recent proposal to Gerrish Township residents to significantly expand the scope of the Gerrish Township program. We have requested a public meeting to discuss these issues with Gerrish Township.

The Higgins Lake Property Owners Association (HLPOA) has over 500 members. The mission of our organization is to protect, preserve, and enhance the quality of Higgins Lake and its surrounding watershed. Swimmer's itch is an extremely serious problem. It affects the recreational uses of the lake, the value of property on and around the lake and the local economy. The problem extends to other important lakes in Michigan, throughout the US and globally. And the problem is increasing. At the July 2015 annual meeting, HLPOA members overwhelmingly voted to approve and support a three year lake wide program conducted by SICON to study and control SI on the lake. Other organizations on Higgins Lake, including the Higgins Lake Land Conservancy and the Higgins Lake Environmental and Economic Coalition, also have endorsed the SICON comprehensive program. The focus of this program is to gather scientific data to better understand the mechanisms which affect the severity of SI and a control program to reduce the level of parasites in the lake. The program includes catching, treating and relocating common mergansers and their broods, conducting necropsies of collected birds, studying the distribution, numbers and infection rate of snails that transmit the parasite, and gathering data on environmental factors that may play a role in where the parasite infection rates are highest. SICON has been working collaboratively with biologists from Oakland University and a Partnership of 13 lakes in Michigan who are working together on the problem.

SICON scientists are highly educated, well-trained and experienced in conducting this type of work. They are widely regarded as the leading experts in their field. They were retained by the Higgins Lake Swimmers Itch Organization (HLSIO) based on their outstanding qualifications and proven effectiveness on other lakes. A total of approximately 87 common mergansers were

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captured and relocated by SICON this year. This represents a significant reduction in the level of parasites that can be expected to be present next year.

The work of Northpoint Fisheries Management LLC (Northpoint Fisheries) this summer and the reported violations of the Gerrish Township permit have serious negative implications for ongoing SI research and control efforts on the lake. Gerrish Township and its contractor, Northpoint Fisheries, reportedly killed two red-breasted mergansers and focused the public on the harassment and killing of pregnant female mergansers as its primary measure of success. The final report¹ prepared by Northpoint also stated that other ducks were shot and not retrieved. SICON reported finding 5 injured ducks in the lake after Northpoint Fisheries concluded its work. The Gerrish Township program is not supported by or coordinated with other local and state efforts listed above and is operating on its own. The lethal taking of common mergansers has been conducted and presented in public and appears to have contributed to an atmosphere on the lake for people to "take matters into their own hands." One comment made in a public meeting is that "Dead ducks don't come back". This attitude contravenes regulations and permit programs designed to protect migratory waterfowl.

Gerrish Township conducted harassment and depredation activities from ice-out through May 22, 2015 after previously publicly committing that they would defer to the SICON program and not use its permits. This activity disrupted the behavior of the common mergansers and made it impossible for SICON to locate natural nest cavities. It also made it more difficult for SICON to capture, treat and relocate females and their broods. These are two very important factors in proven methods to reduce the parasite level on the lake long term and moving to a sustainable, less costly future program that relies even less on targeting pregnant female common mergansers.

Concerted efforts have been and still are being made to coordinate both programs with Gerrish Township with SICON leading to emphasize a humane capture and relocation of common mergansers rather than emphasizing lethal taking. There are just too many ducks to make lethal taking a primary focus as Northpoint Fisheries has done. Repeated requests have been made of Gerrish Township to change the dates specified in the permit to follow the work done by SICON. This would allow both programs to continue in a way that maximizes overall effectiveness and limits lethal taking. Instead, Gerrish Township recently proposed an expansion of the current program keeping the same implementation schedule and replacing SICON with Northpoint Fisheries who claim they can do the work at a significantly lower cost.

At a board meeting on 13 October, 2015, Gerrish Township discussed a proposal prepared by Northpoint Fisheries. The proposal to have Northpoint Fisheries add the trapping and relocating of common mergansers and to continue its harassment and taking of common mergansers would have the effect of removing SICON from Higgins Lake. The proposal also included elements to address snails that transmit the parasite. There were approximately 35 citizens that attended the meeting and many offered comments on the proposal. In summary, many concerns were expressed regarding the manner in which Gerrish Township proposed to proceed without making the proposal available to the public or holding a public meeting. We also understand there have been no discussions with state or federal regulators in advance of this proposal. The qualifications, training, experience and equipment of the personnel from Northpoint Fisheries that would be conducting the enhanced program were seriously questioned. A number of questions were also raised regarding the lack of detail in the proposal. Several individuals requested that the township consider changing the dates in the existing

¹ Completion Report for Gerrish Township, Higgins Lake Common Merganser Harassment Program, dated April 8 -May 22, 2015.

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permit so that the Gerrish Township program would follow the SICON program and compliment it rather than interfere with it. No one commented in support of the proposed program expansion. The board approved two motions following a difficult and lengthy meeting. An amended motion was made to authorize the township supervisor to submit the required enhanced permit modification request 60 days from the day of the meeting; and, a second motion authorized the supervisor to look for sources of funding. The HLOPA submitted the attached letter in opposition to the proposed enhanced permit at the meeting.

The HLPOA believes that the manner in which Gerrish Township conducted its program this year raises serious questions as to how future compliance would be ensured. It also raises questions regarding the education, training, experience and equipment of Gerrish Township and Northpoint Fisheries personnel that would be responsible for implementing the additional work as recently proposed. The effect of granting the enhanced permit will be to substitute Northpoint Fisheries for SICON as there would be no room for SICON if Northpoint Fisheries attempts to conduct a copycat program. We believe a combined SICON/Northpoint Fisheries program with a retained Gerrish Township permit is the only way to proceed and is in the best interests of the lake, all affected organizations, the Higgins Lake community and the state and federal governments.

The HLPOA will continue working with Gerrish Township to have the dates changed in the permit so that both the SICON and the Gerrish/Northpoint Fisheries programs can be implemented next year to achieve the greatest level of parasite reduction possible in a humane and responsible manner. We will continue to request Gerrish Township hold a public meeting to discuss the issues. It is respectfully requested that you take all this into consideration in determining the proper course of action with regard to the reported violations and any potential request to expand the current Gerrish Township program.

Sincerely,



Brad Gibson, President
On behalf of the HLPOA Board of Directors

cc: Barb Avers, Waterfowl Specialist
Michigan DNR
Rose Lake Field Office
8562 E. Stoll Road
East Lansing, MI 48823

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