



Higgins Lake Property Owners Association

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October 13, 2015

Gerrish Township Board
2997 E. Higgins Lake Drive
Roscommon, MI 48653

Re: Violations of Federal and State Permits

“A Comprehensive Action Plan to Address Swimmers Itch, Higgins Lake, Roscommon County”

Dear Gerrish Township Board:

The Higgins Lake Property Owners Association (HLPOA) is writing regarding reported violations of permits issued by the United States Fish and Wildlife Service (USFWS) and Michigan Department of Natural Resources (MDNR) and a proposal to increase the level of activity currently authorized under these permits.

At the 2015 annual meeting, HLPOA members gave their overwhelming support for HLSIO and the SICON LLC swimmer's itch control program by passing the following resolution; "Resolved that the Higgins Lake Property Owner's Association supports in principle the partnership between SICON and HLSIO in their efforts to implement the SICON LLC swimmer's itch control program."

The permits issued to Gerrish Township authorize the harassment and depredation of common mergansers on Higgins Lake for a three year period. This program was part of a comprehensive program to control swimmers itch that also involved SICON, LLC (SICON) which had previously obtained a scientific collecting permit. The activities conducted by SICON included: trying to find and block existing common merganser nest sites; capturing, treating and relocating common merganser females and their broods; studying the densities and distribution of snails that transmit the parasite; and, sampling parasite densities in conjunction with gathering data on environmental factors. Other species of ducks and Canadian geese were also sampled to verify that they are not involved in the parasite life cycle on Higgins Lake. The success of controlling swimmers itch on Higgins Lake depends on these two programs being conducted in concert with each other.

Conditions in the Gerrish Township permits expressly prohibit killing red-breasted mergansers and require that all harvested birds are turned over to SICON for analysis. The final report¹ prepared by Northpoint

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

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Fisheries Management, LLC (Northpoint) stated that two shot mergansers were not recovered and 23 were turned over to SICON. SICON identified two of these birds to be red-breasted mergansers. This was independently confirmed. A Letter of Complaint (Complaint), filed with the USFWS by SICON on August 28, 2015, reported the killing of two red-breasted mergansers and other violations of USFWS Special Purpose – Miscellaneous Permit (MB56627B-0). The permit requires all persons carrying out lethal control to receive formal training on species identification so only common mergansers would be taken. In addition, the SICON complaint documents that only 8 of the 23 birds lethally taken could have produced broods this year. Two were the wrong species, 6 were males and 7 were non-reproductive females. This information contradicts the condition in the permit which states “this federal permit is not a special hunting permit..., this permit is issued only to address the problem of swimmers itch on Higgins Lake...”. The Complaint also describes an unintended precedent of people living on or around the lake “taking matters into their own hands” and shooting ducks. HLPOA supports these very serious concerns expressed in this Complaint.

The timing and manner in which the Gerrish Township program was conducted also negatively affected the work subsequently performed by SICON. Specifically, the harassment that was conducted from ice-out until the end of May by Gerrish Township made it impossible for SICON to locate existing common merganser nest sites and extremely difficult to capture and relocate females and broods. These are two extremely critical elements in controlling swimmers itch.

The proposal to conduct an enhanced program, entitled “A Comprehensive Action Plan to Address Swimmers Itch, Higgins Lake, Roscommon County”, solely in the interests of saving money would not only duplicate the work that SICON has already begun, it is internally inconsistent based on years of experience controlling swimmers itch and it would greatly limit the use of the data already obtained to establish a base line for the lake. The methods and procedures used by SICON have been developed, tested and used successfully in other lakes. SICON personnel are highly educated, have years of experience and are widely regarded as experts in this field of study and the control of swimmers itch. The same methods and procedures need to be followed in subsequent studies to compare data collected by trained experts in successive years.

The difficulty in identifying and differentiating between sexes of mergansers was pointed out in the final report by Northpoint Fisheries Management, LLC (Northpoint). Inadequate training and experience caused the aforementioned reported permit violation. Accurate field identification is essential for compliance with permit restrictions.

The HLPOA Board of Directors conducted a preliminary review of the expanded program proposed by Gerrish Township. We believe that the proposal is inconsistent and inadequate to support the necessary permit modifications from the USFWS and MDNR, especially considering the reported violations of these permits. The concerns with the proposal include, but are not necessarily limited to the following:

1. Conducting harassment and shooting prior to identifying existing nest sites will make it impossible to block the existing nests from future use.
2. Creating additional nesting locations will attract, not deter, additional mergansers from using the lake. This is inconsistent with harassing the birds to scare them away and finding and blocking existing nests. There are no known programs where this has been shown to be an effective control strategy.
3. The methods to capture and relocate common mergansers are not specified. The only proven and humane method is the one developed and used successfully by SICON.

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4. The proposal does not include treating captured female merganser and broods to kill the parasites.

5. The proposal does not specify where captured birds would be relocated or what procedures would be used to insure that swimmers itch would not be transferred somewhere else.

6. The credentials and experience of personnel that would identify the species of snail and the eggs and larvae of the parasite that causes swimmers itch are not presented. There are several species of larvae that can be easily mistaken for and reported to be the schistosome cercariae responsible for causing swimmers itch. This has in fact already happened.

7. The snail infection rates (percentage) and a study of the distribution and densities of the species of snail involved in transmitting swimmers itch on Higgins Lake has already been done by SICON. Any subsequent assessments should use the same methods and procedures and sampling locations to assess trends. These are not presented in the proposal.

8. What training and procedures would be used to verify the proper identification of waterfowl, snail species and the schistosome cercariae responsible for causing swimmers itch?

9. There is no mention of the equipment that would be used to capture, transport and release captured mergansers or the cost in obtaining and operating it. There is no basis for knowing whether Northpoint has the necessary training and experience to successfully capture common merganser broods. All of the information to date suggests they have no experience, training or equipment.

The HLPOA believes a coordinated comprehensive lake-wide, year-long program conducted by experts who have the proper training and experience to do the work they are proposing to control swimmers itch is critical to the success of this program. Proposing a copycat program that duplicates the work that has already been completed, that is internally inconsistent, that limits or renders useless the existing data and substitutes low cost, untrained contractors and unproven methodology is reckless and irresponsible. This approach risks losing all of the progress made during the past year. The steps to be taken to correct reported permit violations and ensure future compliance are not even mentioned.

The proposal requires modifications of existing permits before it can be implemented. Before these permit modifications are approved, the HLPOA believes that Gerrish Township should first be given an opportunity to demonstrate that the reported violations of the existing permit did not occur or will be corrected; and, that the proposed expansion of the current program is consistent and complimentary to a coordinated effort to control swimmers itch on Higgins Lake. If neither can be done, the HLPOA would support suspension or revocation of the existing Gerrish Township permits.

We believe the board should be aware that over 400 individuals and / or concerned lake organizations have supported, through their financial donations, the Comprehensive Swimmer's Itch Control Program sponsored by the non-profit Higgins Lake Swimmer's Itch Organization and carried out this year by SICON. Based on the aforementioned concerns expressed in this letter the HLPOA requests that the Gerrish Township Board schedule a Public Hearing prior to making a formal decision with respect to the proposed Action Plan offered by Northpoint Fisheries Management, LLC for 2016.

The members and board of the HLPOA consider swimmers itch to be a major issue affecting the recreational uses of the lake, property values and the local economy. In the interest of the health of the lake it is respectfully requested that Gerrish Township seek modifications of the existing permits that would insure compliance and maximize the coordinated efforts of all those involved.

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Sincerely,

Board of Directors,

Higgins Lake Property Owners Association

Cc:

U.S. Fish & Wildlife Service
MI-DNR
Higgins Lake Environmental and Economic Coalition
Higgins Lake Swimmers Itch Organization
Higgins Lake Foundation
Higgins Lake Land Conservancy
SICON LLC
Lyon Twp Board
Roscommon County Board of Commissioners

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