

Water Lines

A publication of the Higgins Lake Property Owners' Association

Winter, 2004

President's Message



by Ken Dennings
HLPOA President

House Bill 4141/Senate Bill 481

As I prepare this column today "first ice" is forming and now covers the south basin of Higgins Lake. Winter has arrived in all its beauty, transforming navigable water to a paved surface for outdoor activities.

An indoor "transformation" is also underway at the State Capitol in Lansing. The House Conservation and Outdoor Recreation Committee held a public hearing last fall on HB 4141 (introduced by Representative John Stakoe). We are a single vote away from having this vital legislation reported out of committee to the House floor.

I remain optimistic that when the legislature reconvenes following the holiday recess, our legislators will take the initial step in creating state law which recognizes the consistent position of the Michigan Supreme Court in prohibiting seasonal mooring of watercraft and other activities inconsistent with the dedication language for public road ends at inland lakes in Michigan.

Senate Bill 481, introduced by Senator Wayne Kuipers, is similar in its objective, but the Senate Committee on Natural Resources and Environmental Affairs has yet to schedule a public hearing for purposes of taking public input. The HLPOA is geared to appear and provide testimony in support of this legislation at the appropriate time.

I thank the HLPOA members for their outstanding response in contacting House Committee members by letter, e-mail and telephone, urging support for passage of HB 4141. When this legislation reaches the House floor (and I remain confident it will), we will again ask that you take the time and make the effort to contact your respective State Representative in support of passage . . . so please

monitor the HLPOA web site (www.hlpoa.org) in future weeks.

Enforcement of Supreme Court Rulings

The HLPOA is preparing a methodical and systematic strategy of implementing enforcement actions where the appellate courts in Michigan have consistently determined that seasonal mooring, picnicking, sunbathing and lounging violate the dedication language at Higgins Lake public road endings. With state legislation pending and the failure by our local townships to adopt ordinances that support the findings of the Michigan Supreme Court, the HLPOA (which is recognized by the courts as having standing to represent riparian interests) will seek charges in circuit court against those parties who continue to place boat hoists and seasonally moor their watercraft at public road ends which have been adjudicated.

For more details please see "HLPOA Legal Update" by attorney William Carey on page 4.

Shady View, Inc. violated Zoning Ordinance

The Shady View, Inc. case dates back to 1996, when a group of non-riparians purchased a seventy-seven foot lake front lot in Gerrish Township, sold shares to twenty families, constructed a 160-foot dock with twenty boat slips and converted a single-family seasonal cottage to a community center at Higgins Lake within a residential district zoned R-1 (single family).

In a recent stunning reversal at the Michigan Supreme Court, an earlier judgment by the Michigan Court of Appeals has been vacated and remanded to the 34th Circuit Court for further action. In other words, the Supreme Court has now ruled that "key-holing" violated the single family residential zoning ordinance in Gerrish Township.

The implications of this case are far reaching . . . not only from the standpoint of protection from over utilization of our natural resource and impingement on riparian property owners at Higgins Lake, but certainly it sets a

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President's Message

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precedent for all inland lakes in Michigan. In essence, the Michigan Supreme Court has said zoning laws protect us from such unwanted nuisance and must be respected.

For more specific details please see "HLPOA Legal Update" by attorney William Carey on page 4.

Eurasian Watermilfoil (EWM)

Huron Pines Resource Conservation & Development (RC&D) of Grayling completed its second annual Eurasian Watermilfoil (EWM) survey of Higgins Lake and prepared a formal report this past October under a funding arrangement provided by the Higgins Lake Foundation. This is the second consecutive year that the Foundation has provided the financial support for this important work.

Annual documentation of the progression of EWM growth in Higgins Lake is viewed as an important component in our strategy to coordinate effective control efforts over this aquatic nuisance species. Under the 2002 Higgins Lake Watershed Management Plan, the HLPOA willingly assumed the leadership role in marshalling community efforts to control the growth and, if possible, eradicate EWM from our 9,831 acre lake . . . a significant undertaking with a popular lake the size of Higgins and considering the vast number of access sites available to the boating public.

Survey results revealed that EWM is present on approximately 10 acres of the lake bottom. Several new sites (generally small) were found when compared to the previous inventory and in some cases could possibly have been overlooked in the 2002 survey.

The EWM sites recorded in 2002 were estimated to total approximately 12 acres. Huron Pines indicated the difference is not due to a decrease in EWM, but more precise mapping of the weed beds due to a more accurate GPS unit. However, the report did state: "Some of the larger sites are slowly increasing in size." Huron Pines believes the total number of sites, and the total acreage of sites, is less important than the annual monitoring of each major EWM weed bed.

The HLPOA will continue its efforts to educate riparian property owners and encourage their involvement in carefully harvesting EWM in shallow water. In addition, utilization of approximately 4,700 square feet of benthic barrier in selected locations, as approved by the DEQ, will continue in early summer. I'm pleased to report the DNR has joined our control efforts and this season will treat the three public launch sites under state control similar to previous applications in 1999 and 2000.

Obviously, gaining control, and hopefully eradicating, EWM in Higgins Lake will remain a top priority of the

HLPOA and a challenge to our volunteers in the coming years. Please see "Divers Needed in 2004" in this edition of *Water Lines*.

HLPOA Takes Exception to Townline Road Ramp/Dredging Proposal

The HLPOA has been carefully monitoring the processing of a permit application submitted to the Geological and Land Management Division of the DEQ in Cadillac last July by private non-riparian property owners seeking approval to remove approximately 183 cubic yards of bottom materials from Higgins Lake in an area 20 feet by 124 feet to a depth of 3 feet and construct a boat ramp 18 feet wide and 48 feet in length at the extension of Townline Road. (The DEQ has jurisdiction over this type of activity under Part 301 of the Inland Lakes & Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.)

In spite of HLPOA efforts to gain support by the townships for an environmental impact study, Lyon Township formally acted by "not objecting" to the private individual submitting the request, and Gerrish Township simply "acknowledged receipt" of the request . . . although Gerrish did subsequently issue a formal statement in opposition to the dredging aspect. Of equal concern was the action of the Roscommon County Road Commission giving its consent to submission of the ramp/dredging proposal even though the Road Commission steadfastly maintains that its jurisdiction ends at the water's edge.

As President of the Higgins Lake Property Owners' Association, I wrote last June and again this past November expressing concern over the application request and provided all concerned with copies of the 2002 Position Statement of the HLPOA Regarding Road End Launch Facilities (see page 3 of this edition of *Water Lines*). Since that time we have requested review of the Townline ramp/dredging proposal by a research PhD. Emeritus at Michigan State University with vast water resource knowledge.

The HLPOA has also retained Anthony F. Groves, a noted limnologist with Progressive AE of Grand Rapids, to carefully review the ramp/dredging proposal to determine the possible ecological impact it might cause if approved.

I'm advised as of this date by the DEQ that formal review of the permit request has yet to begin. However, the HLPOA is preparing a formal position paper restating its opposition to dredging in Higgins Lake and strongly objecting to DEQ granting approval to a private individual for construction of a boat launch facility. Neither the townships nor the road commission has accepted responsibility or established any form of municipal control over the continuing maintenance and daily operation of this proposed public launch site.

HLPOA Position Statement regarding road end launch facilities

The Higgins Lake Property Owners' Association (HLPOA) represents riparian owners at Higgins Lake, MI. The primary objectives of HLPOA are to preserve and enhance the environmental quality of Higgins Lake and to promote the interests of its membership.

Recently, the Townships of Gerrish and Lyon have considered installing launch facilities at certain road ends within their respective jurisdictions. The townships' consideration of launch facilities has been prompted by a general recognition that the courts will ultimately preclude the seasonal mooring of watercraft at public road ends.

HLPOA has been consistent in its stance that public road ends should be used in the manner that they were intended, that is as public access sites to the water surface of Higgins Lake. HLPOA's position is tempered only by its legitimate concern that the water surface of Higgins Lake not be over-burdened by use and that adjacent riparian owners not have their right to privacy unreasonably disrupted.

To balance the interests of public use against an overburdening of the water surface and the intrusion use may cause adjacent riparians, HLPOA maintains that the use of road ends must be confined to the original purpose for which they were dedicated. Additionally, the proper governmental authorities must regulate the use.

At the outset HLPOA insists that a credible and dispositive ruling be obtained which determines that the installation and use of launch facilities at platted public roads is within the scope of the dedication.

If such an opinion is obtained, HLPOA insists that an impact study be conducted to determine whether or not: (1) the installation of the launch facility and its subsequent use is environmentally friendly and would not result in an overburdening of the lake surface, and (2) that the installation and subsequent use of the launch facility would not result in an adverse impact on the privacy of adjoining riparian owners.

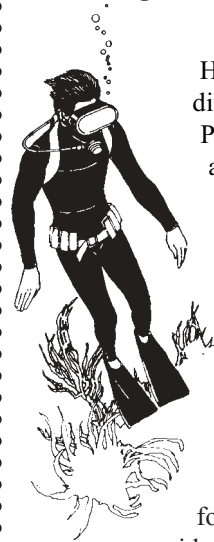
Implicit in the HLPOA position regarding launch facilities is the requirement that these facilities be regulated. Regulations must address the manner and specification of installation as well as the subsequent use. Further, that the installation and maintenance must meet the approval of all jurisdictional authorities, including the Michigan Department of Environmental Quality and the Roscommon County Road Commission.

In considering appropriate regulatory mechanisms, HLPOA insists that issues such as the number of watercraft launched, hours of use, parking of launch vehicles, dredging of the lake bottom and wash facilities (to control the introduction of exotic species to the lake) be addressed.

Other use issues to consider include the prevention of riparian trespass onto the adjoining riparian lands and a regulation of swimming at the launch sites (to reduce the possibility of injury to swimmers).

In summary, HLPOA believes that reasonable and meaningful use of the lake surface by the general public is a desirable goal. Public roads terminating at the water's edge should be used to achieve that goal so long as those roads are used in a manner consistent with the scope of dedication and do not create a negative environmental impact upon the lake or result in unjust intrusion to adjoining riparian interests.

Divers Needed in 2004



Members and friends of the HLPOA who are certified SCUBA divers are asked to contact HLPOA President Ken Dennings if they are able to assist with the Eurasian Watermilfoil project on Higgins Lake this season.

Ken would like to form three dive teams . . . possibly four if we have enough volunteers . . . to help with placement and maintenance of geo-textile fabric as a "benthic (bottom) barrier treatment" this calendar year.

Several EWM beds in ten to fourteen feet of water have been identified and approved for barrier treatment in the south basin of Higgins Lake. The plan is to assign a dive team to each location.

The EWM control project is part of the Higgins Lake Watershed Management Plan in which the HLPOA is the lead organization in efforts to deal with this exotic aquatic plant "invader" of Higgins Lake. If you're a certified diver with equipment, we really need your help beginning when lake water temperatures reach tolerable levels (probably late May or early June) and continuing during the summer months, as needed.

To volunteer or to obtain more information concerning "dive support" for the EWM control project, please contact:

KEN DENNINGS

at

Phone: 989-821-6711

E-mail: lake@voyager.net

Write: 136 Stoney Trail

Roscommon, MI 48653



HLPOA LEGAL UPDATE

by William L. Carey
Counsel to HLPOA

Shadyview

This lawsuit involves a challenge to the activities of 20 families who purchased a single lakefront lot in Woodlawn Subdivision (Gerrish Township). The 20 families (who purchased the lot via a non-profit corporation known as Shadyview, Inc.) set up a multiple slip marina. Lot owners on either side of the Shadyview parcel filed suit in Roscommon County Circuit Court seeking to enjoin the multiple family use. The lawsuit challenged the multi-family use because the lot was zoned as single family residential. The lawsuit further challenged the activities as a private nuisance.

When this matter went to trial, Judge Baumgartner ruled that the marina dock could moor no more than 5 boats. Judge Baumgartner further ruled that no more than 2 families could use the lot at any one time. The case was then appealed to the Michigan Court of Appeals. On January 14, 2003, the Court of Appeals heard oral argument in the case. On March 3, 2003, the Court of Appeals issued its opinion reversing Judge Baumgartner.

In essence, the Court of Appeals found that the activities undertaken by the 20 family corporation did not constitute a violation of the Gerrish Township Zoning Ordinance and did not create a nuisance for the families living next door. A motion for the Court of Appeals to reconsider its decision was filed on March 6, 2003. The motion for reconsideration was denied.

A timely application to the Michigan Supreme Court challenging the Court of Appeals decision was filed. The Supreme Court in a very rare procedural move, denied plaintiff's request for Supreme Court review, but reversed the Michigan Court of Appeals. The Michigan Supreme Court has ordered that the Shadyview property may not be used for communal park or marina activities.

The court has ruled that the lot in question may only be used as a single family residential lot and that Shadyview may not maintain a dock or any number of boat slips on the riparian parcel. The decision made by the Supreme Court is stronger and more protective of the lake interest than even the original trial court decision.

The Supreme Court decision is final and not subject to further challenge. The decision represents the most significant victory against funneling/keyholing in the common law history of Michigan.

Consolidated Cases:

A series of cases involving various lakefront subdivisions in Gerrish Township have been decided at the

appellate court level. The cases include subdivisions in Triangle Park, Old Point Comfort, Lyon Manor Subdivision, Shoppenagon Lodge Subdivision, Whittington Park, Sovereign Park, Honolulu Beach, Evergreen Park, Almeda Beach, and Highland Subdivision. In all of the cases, the trial court has determined that the original developers of the plats did not intend for the road ends to be used as parks and mini-marinas. The trial court had entered court orders which determine that road-end use does not include the right to moor boats, maintain hoists or wet anchors, sunbathe, picnic, or lounge.

Oral argument before the Michigan Court of Appeals was completed on August 6, 2002. A decision of the Court of Appeals was issued on January 17, 2003. The Court of Appeals has upheld the legal principles first declared in the matter of *Jacobs v Lyon Township*. The Michigan Court of Appeals has held that the public roads in the subdivisions mentioned in the preceding paragraph may not be used as mini marinas and lakeside parks. The decision of the Court of Appeals is a published decision.

The application for leave was considered by the Michigan Supreme Court on March 4, 2003. The Michigan Supreme Court has issued an opinion denying the application for leave. The appellants (backlot interests) requested that the Michigan Supreme Court reconsider its decision denying the application for leave.

A decision on the motion for reconsideration was issued the last week of December, 2003. The motion was denied. The denial of the motion for reconsideration brings finality to the decisions. Each of the subdivisions named above, and each of the roads contained within the subdivisions, have now been declared by the appellate courts of the State of Michigan to not be available for boat mooring, hoist maintenance, wet anchors, sunbathing, picnicking, or lounging.

The Court of Appeals heard similar arguments involving the subdivisions of Chicago Beach, Woodlawn, Michigan Central Park 1st Addition, and Sylvan Beach on October 21, 2003. A decision was subsequently issued which upheld the legal principles of *Jacobs v Lyon Township*. The October 21, 2003 hearing resulted in a decision identical to the first series of cases reported above. No further appeal is expected on the second round of lake cases.

The next step in the process is to begin enforcement of these important Court of Appeals decisions. HLPOA is fully committed to complete a uniform enforcement of road end use in each subdivision surrounding Higgins Lake. HLPOA has authorized its legal counsel to begin enforcement proceedings on a road-by-road basis commencing in the spring/summer of 2004.

Each road in each subdivision will be brought before the court and each violator of the appellate court's order will be the subject of contempt proceedings before the trial

court. Enforcement actions will be both time consuming and cost inefficient. It is not likely that each road in each subdivision will be the subject of enforcement action during the summer of 2004.

However, HLPOA, through the efforts of its volunteers and board members, will document each violation of the appellate orders and continue prosecution of these violations throughout the fall of 2004 until the actions are complete. It is anticipated that the State Attorney General's office will participate and assist in at least some of the prosecutions.

Dixon/HLPOA v Lyon Township:

A private landowner and HLPOA filed a lawsuit in the Roscommon Circuit Court seeking to have a declaration of rights relative to road ends in the Lyon Township subdivision of Michigan Central Park 3rd Addition. This case is noteworthy because it is the first such case filed in Roscommon County Circuit Court since the January 17, 2003 opinion of the Court of Appeals.

In this particular case, non-lakefront property owners organized to erect a 300' dock with 30 boat mooring slips. Dock memberships were sold upon a promise that the participants could secure a private spot at public dock. The case was heard by the Roscommon County Circuit Court (Judge Bergeron presiding) on February 13, 2003.

Judge Bergeron sided with HLPOA and the private landowner and ruled that the roads within the subdivision could not be used as marinas and parks. A judgment in the case has been entered and an appeal is pending.

Sunseekers:

This case is expected to be heard in the first quarter of 2004. The decision in the Shadyview case will have a direct and significant impact upon Sunseekers. Factually and legally, the two matters appear to be virtually identical.

A hearing before the trial court on January 5, 2004 resulted in a directive from the court that a proposed resolution to the Sunseekers controversy be submitted within 30 days. Absent a resolution, the court intends to rule on the matter fairly immediately.

Conclusion:

The last quarter of 2003 brought tremendous successful results in litigation for HLPOA and its supporting riparian members. 2004 will be an active year for HLPOA, which is committed to enforcement of the hard fought legal victories it has achieved. Enforcement of these decisions will bring the objective of protecting the riparian interests and environmental quality to fruition for HLPOA.

HLPOA web site

If you haven't visited the HLPOA web site (www.hlpoa.org) recently, you may be missing current information concerning the activities of your lake association.

In case you're wondering, last year nearly 3,700 visits or "hits" were recorded between January 1 and December 31, 2003. This statistic simply substantiates the popularity and importance of our internet connection between our HLPOA riparian members and friends and their elected representatives here at Higgins Lake.

While we strive in our *Water Lines* newsletter to provide detailed information three times annually, the HLPOA is making every effort to provide short items of interest and importance relating to Higgins Lake in a timely manner on its web site . . . so give us a try next time you're on the internet.

Dues are due!
2004 dues are now due! We hope that you will pay promptly so that we are able to fund the projects that we have committed to for the coming year. Act now - our lake needs your help!



Established
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Water Lines is published by the
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P.O. Box 173, Higgins Lake, MI 48627.
*Dedicated to preserving the quality
and beauty of Higgins Lake.*

Visit HLPOA online at
www.hlpoa.org

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Higgins Lake road ends — a brief legal history

by

E. A. Trautz, Chair. HLPOA Legal-Legislative Committee

The purpose of this article reviewing the legal history of road ends at Higgins lake is twofold: 1) to explain why HLPOA firmly supports HB 4141, proposed legislation which limits the use of publicly dedicated roads terminating at inland lakes and streams to public access and a public dock to aid in access and, 2) to explain why HLPOA opposes a so-called “compromise” to HB 4141 which would permit a limited number of backlotters to permanently moor boats at road ends.

When subdivisions bordering Higgins Lake were platted in the late 1800’s and early 1900’s, roads within the plats were dedicated* “to the use of the public.” Many years after the plats were recorded, people who owned “backlots” assumed that because roads ending at the lake were dedicated to public use, they could be used as public parks, beaches and private marinas. (**Dedication is the setting aside of land by the plat for a specific purpose. For example, land dedicated as a public road can only be used by the public for public passage.*)

After WWII, when improved cars and highways made it possible to reach the lake on weekends from major population centers, the number of docks and boats moored on augers and boat hoists at road ends increased so rapidly that in 1985 Gerrish and Lyon Townships felt it necessary to pass ordinances restricting road ends to one dock and the mooring of boats on hoists on one side of the dock only. The ordinances also permitted the public to lounge, picnic and sunbathe at road ends.

Lyon Township’s road-end ordinance was immediately challenged in a case known as *Jacobs v Lyon Township* (hereafter, *Jacobs*), and in 1993 the Michigan Court of Appeals held that, unless the dedication language in a plat states otherwise, lounging, picnicking and sunbathing and the permanent mooring of boats are not within the “scope of dedication” (purpose) of publicly dedicated roads terminating at inland waters.

Lyon Township appealed this decision to the Supreme Court, but that court refused to hear the appeal with the result that over the years the *Jacobs* decision has been applied to nearly every subdivision bordering Higgins Lake.

It is important for those unfamiliar with Michigan’s legal system to know that *Jacobs* was based on many previous appellate court decisions, known as “precedents,” involving the dedication of land as it applies to road ends (see appendix). The first decision was in 1882 when the Michigan Supreme Court, in *Backus v Detroit*, held that the purpose of a publicly dedicated road terminating at an inland lake or stream is to provide public passage to the

surface of the waterbody and that a public dock may be installed at the end of the road to aid in access.

Given the legal history in Michigan restricting road ends to public access and a public dock to aid in access, is it possible to change the dedication of road ends to include lounging, picnicking, sunbathing and permanent mooring of boats on hoists?

The Michigan Supreme Court answered this question in 1954 in the case of *Baldwin Manor, Inc. v Birmingham* when that city, as a convenience to the public, wanted to put several roads through land platted as a park. The court held that land dedicated to public use is held in trust for the public for the purposes designated in the plat.

The court also held that no one, including the legislature, a municipality or the general public has the right to use land for any purpose other than that for which it is dedicated, even if the changed use may be “advantageous to the public.” Finally, the court ruled the only way the use of land can be changed from its dedicated purpose is for the government to exercise its right of eminent domain.

The “right of eminent domain” is the right of the government to condemn (take) private property for public use. Fortunately, Michigan’s Constitution of 1963, Article 10, Section 2 prohibits the “taking” of private property without due process of law and compensation. In addition, the Supreme Court, in the case of *Peterman v DNR*, held there must be a “compelling public need” for the property to justify the “taking.”

Applying the Baldwin and Peterman decisions and the state’s Constitution to road ends, if a municipality feels there is a “compelling public” need to change the use of a road end from public access and a public dock to aid in access to use as a public park, beach and marina*, it must file an action in circuit court to condemn the land for these purposes. Following a hearing, if the court agrees the land should be condemned, the court will determine the fair market value of the land “taken” from the owner(s).

It is important to note that in 1986, in the case of *Kalkaska v Shell Oil Co.*, the Court of Appeals held that the ownership of the land over which a platted road runs remains in the adjacent property. Thus, if a road end were condemned, the adjacent property owners would be compensated its fair market value.

(**It is questionable whether road ends can be condemned for use as public marinas because it is physically impossible to accommodate every member of the public desiring to permanently moor at a limited number of road ends in any given community.*)

Condemning land at a road end could also prove to be costly. For example, if a 40-foot wide road ending at Higgins Lake were condemned and the front-foot value of land on the lake is \$6,000, the cost to the municipality would be \$240,000. This is a considerable amount to pay in

order to provide public lounging, picnicking, sunbathing and permanent mooring of a limited number of boats at one road end. It may be far less expensive for a municipality to convince nonriparian property owners to lounge, picnic and sunbathe on their own property or in a municipal, county or a state park bordering the lake and to launch their boats at DNR boat launch facilities.

In summary, HLPOA's support of HB 4141 limiting road ends to public access and a dock to aid in access and its opposition to an amendment which would permit road ends to become private marinas for a few backlot property owners is based on many Michigan statutes and appellate court decisions. The passage of HB 4141 will also remove any question in the future relating to the proper use of road ends, thus eliminating the need for expensive, protracted road-end lawsuits as experienced by the HLPOA at Higgins Lake.

Listed in the appendix that follows are the statutes and appellate court decisions that are the basis of this article. They are available on the Internet or in law libraries located in every Michigan county courthouse:

APPENDIX

Dedication - General: Public Act 309 of 1887 (Cited on page 671 of *Jacobs v Lyon Township*); Michigan's Land Division Act; *Bang v Forman* 244 Mich 571, 578 (1928); *Baldwin Manor, Inc. v Birmingham*, 341 Mich 430-431 (1954); *Cass County Park Trustees v Wendt*, 361 Mich 247 (1960); *Kalkaska v Shell Oil Co.* 157 Mich App 227 (1986); *Kalkaska v Shell Oil Co.*, (after remand), 433 Mich 348. (1989)

Dedication - Road ends: *Backus v Detroit*, 49 Mich 110 (1882); *Croucher v Wooster*, 271 Mich 337 (1935); *Delany v Pond* 350 Mich 1914 (1957); *McCardel v Smolen*, 404 Mich 89, 96 (1978); *Thom v Rasmussen*, 136 Mich App 608 (1984); *Thies v Howland*, 424 Mich 282, 295 (1985); *Jacobs v Lyon Twp.*, 199 Mich 309 (1993); *Higgins Lake Property Owners Association v Gerrish Township*, 255 Mich App 83 (2003)

Condemnation of Private Property: *Peterman v DNR*, 446 Mich 177, (1996). A Supreme Court decision explaining in detail why Michigan's Constitution of 1963, Article 10 Section 2, prohibits the "taking" of private property without due process of law and compensation.

HLPAC becomes reality

by Pat Springstead, Chair HLPAC



Political Action Committee chair Pat Springstead receives the first contribution for the newly formed HLPAC from Ken Dennings, President of the HLPOA.

Since its inception on July 12, 2003, the Higgins Lake Political Action Committee has been working very hard on a plan to represent our HLPOA members in the political arena.

We have designed a brochure that describes what a political action committee is, its purpose and how our members can contribute. This brochure was mailed out to

our members in early February. We hope you have received yours, filled out the contribution form and sent a check! Our membership has been most generous in their contributions to our legal fund, and we have had excellent results. Contributions to the HLPAC will allow the opportunity for our membership to financially support candidates for state and local offices who believe in our mission "to protect, preserve and enhance the quality of Higgins Lake and its surrounding watershed."

This year our membership was very helpful in writing letters to Representatives on the Conservation and Outdoor Recreation Committee. These Representatives were considering House Bill 4141 which would regulate the use of road ends throughout the state of Michigan. Our HLPOA and PAC Committees have been working closely with our lobbyist to get this bill out of committee without any amendments.

The year 2004 is a very important year in the political cycle, and our PAC will allow us the opportunity to have a stronger voice in state and local decisions. Your PAC committee will conduct research and interviews and discuss which candidates subscribe to the HLPOA mission and are thus worthy of contributions to their campaign.

If you have not yet contributed, please take the time to write a check because you can make a difference in the quality of Higgins Lake. Remember, it must be a personal check; we cannot accept corporate contributions.



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25 Reasons to Join HLPOA and Pay Your 2004 Dues Now!

by Bill Case, Executive Director, HLPOA

It's that time of the year again. Membership dues are collected at this time in order to fund our operating budget. We hope that members will pay promptly so that your HLPOA board can fund the projects that have been committed to for this coming year.

Following is a list of activities, meetings, and committees that your HLPOA board members have been involved in during the past year:

1. Working to return road ends to their legal use.
2. Contacting and working with local and state politicians.
3. Maintaining a lobbyist in Lansing to keep abreast of lake issues affecting legislation.
4. Working with MSU and county law enforcement personnel in the Department of Environmental Quality to control marina development and test technology to monitor watercraft noise.
5. Keeping abreast of all DNR and DEQ permit applications and activities within the state and, in particular, Roscommon County.
6. Attending township board meetings in Lyon and Gerrish Townships.
7. Attending County Commission meetings.
8. Attending County Road Commission meetings.
9. Attending and actively participating in monthly Network of Lakes Association meetings (NOLA).
10. Producing three newsletters yearly.
11. Maintaining an office to handle and respond to environmental, legal, legislative and HLPOA member problems.
12. Designing an HLPOA brochure and producing a Membership Directory.
13. Attending all meetings of the Higgins Lake Advisory Committee.
14. Attending meetings and conventions of Michigan Lakes and Streams Association.
15. Serving on the board of the Michigan Waterfront Alliance (MWA).
16. Conducting an annual HLPOA meeting.
17. Attending all court hearings (local and state) involving the HLPOA issues of concern.
18. Working closely with the state and lake organizations concerning environmental and legal problems.
19. Working in close harmony with the local Michigan State University Extension office.
20. Serving on the RC&D (Recreation, Conservation and Development) steering committee to control erosion at road ends.
21. Attending and actively participating in workshops to put together a state-wide lake management program.
22. Working closely with local health officials concerning potential pollutants in our watershed.
23. Serving as trustees on the Higgins Lake Foundation (HLF).
24. Organizing and coordinating Eurasian watermilfoil control/eradication efforts.
25. Working with local DNR officials and neighboring lake associations to control invasive exotic species.

*The HLPOA board of directors wishes to thank our loyal members for their support, not only for belonging, but also for your extremely generous legal donations. Without this support, our association would be **hard** pressed to pursue legal issues of vital importance to our watershed.*

Now is the time to continue that loyalty by filling out the enclosed green membership envelope, place your \$50.00 check made out to the HLPOA inside, along with your legal contribution, place a stamp on the envelope and mail it as soon as possible. We also encourage you to share the enclosed HLPOA brochure with your riparian neighbors who may not currently belong to our organization.

We thank you for your continuing support.