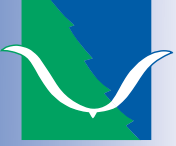


Emmet County Lakeshore Association

Summer 2017 Newsletter



Article contributors: Gary Rentrop, Lou Kasischke, Dick Selvala, Franz Neubrecht, Jim Bacus and Matt Claucherty

Dear ECLA Members and Friends:

I am pleased to advise you we have had great success in raising funds to support the defense of ECLA and the Protection of Rights Alliance in the lawsuit brought by the Little Traverse Bay Band of Odawa Indians. Widespread support has come from our members, from property associations and from the community at large. A number of individuals have given of their time to assist in raising funds. ECLA and the Alliance have successfully formed the Protection of Rights Alliance Foundation, a 501(c)(3) tax-exempt organization, which allows contributions to the defense of this lawsuit to be tax-deductible. It also has enabled charitable foundations to help fund the litigation.

We continue to meet and talk with people who are unaware of the litigation. If they are generally aware of it, they frequently do not understand the adverse impact it will have upon them, their way of life, and their property values. Or they ask, how can this be real? How can a 160 year old treaty change our way of life? As people become educated about this lawsuit, the support grows. Your governmental bodies—the State of Michigan, all 12 Townships, the Cities of Petoskey and Harbor Springs, and the Counties of Emmet and Charlevoix—continue to defend this case. ECLA and the Alliance are in this case, and were allowed to intervene by the judge over the objection of the Tribe, because experience has shown that individuals' rights and interests at times do not always align with those of the government, that government resources frequently need to be allocated to other matters, or that the politics change and the governments' position changes. We saw this happen in the Saginaw Chippewa lawsuit where the case was settled by Governor Granholm over the objection of the Attorney General.

We expect a decision by the judge in late 2018 on the first phase of this litigation when the court will answer the question "is there a reservation?" This we must win. We can only win with the best team of attorneys and experts. We know we have both. To maintain these attorneys and experts requires continued and substantial funding. Your support to date and anticipated funding going forward is most appreciated. This is the single most important issue to come to Emmet County and to you as property and business owners.

Gary Rentrop
President, ECLA

Lou Kasischke
Vice President, ECLA



Charles Dawley | Good Hart, MI | flickr.com

Reasons People Will Not Like Living On An Indian Reservation

The Little Traverse Bay Bands of Odawa Indians Tribe started the fight in United States Federal Court to establish most of Emmet County and a significant part of Charlevoix County as its Indian Reservation. If the Tribe succeeds, the character, culture, and way of life now enjoyed here will drastically change—for the worse.

As of now, the Tribe is not claiming legal title to land owned by non-Indians. But here are just some reasons why the quality of life and sense of tranquility) currently enjoyed by non-Indians won't continue if a court rules they are living on an Indian reservation.

- 1. Property Values Drop.** Given the many attractive options in northern Michigan, why would anyone build a new home or buy an existing home on an Indian Reservation? Buyers can go elsewhere. Property values will fall.
- 2. Property Tax Revenue Drops.** At the same time as property values fall, the Tribe and its members can assert that their property is exempt from local or state taxation—just as happened in the Upper Peninsula with members of the Keweenaw Bay Tribe, who no longer pay taxes. Schools and other public services will suffer and diminish.
- 3. Residents Lose Protections.** Residents in historic communities, resort associations, golf and retirement communities, and condominium associations think they have land use protection via deed restrictions and association documents. Not necessarily so. If the Tribe or any of its members is involved in a dispute, they can take it to Tribal Court. Guess who wins?
- 4. No Zoning Laws Apply.** Zoning and land use regulations will not apply to the Tribe or its members. So, how will you feel about a wind farm, a fast food restaurant, or an auto body repair shop going in next door to your residence? Regarding land use, there is no stopping the Tribe or any of its members from doing whatever they want, wherever they want it.
- 5. Gambling Explodes.** Gambling locations (machines in grocery stores, gas stations, convenience stores, hotels, motels, etc.) and fast food stores will explode all over Emmet County. The Tribe and each of its members are exempt from State and local zoning, health or other regulations. Federal requirements for the State to agree to tribal gambling apply only to some types of gambling—which is why the Tribe could open its newest slots-only casino in Mackinaw City even though the City voted against it. Tribes in other states have put slots in gas stations while tribal members opened smoke shops selling tax-free cigarettes. Think about how all this will affect the local character, culture, and lifestyles.

6. Michigan Law Not Applicable. State and local law does not apply to the behavior and activities of the Tribe or its members. Our police will have no authority over the Tribe or its members. This condition leads to social instability, jurisdictional nightmares, and potential chaos.

7. Tribal Control of Development. The Tribe will directly control non-Indian businesses and development through its power to control federal environmental permits regarding air quality, water quality, water usage, water discharge, wetlands, etc. Nothing significant in this area will happen without Tribe control. New investment by non-Indian businesses will be dead.

8. Tribal Laws Apply. Non-Indian businesses, and even public institutions such as schools and hospitals, can be dragged into Tribal Court for perceived violations of Tribal laws. For example, if your business employs a Tribal member (even without knowing he or she is a Tribal member), that member can make a claim in Tribal Court for violation of Tribal employment and discrimination laws. What a mess. What a nightmare.

9. Business Values Drop. Non-Indian business values will fall. Non-Indians won't be able to compete with Tribe or Tribal member owned businesses that don't pay taxes and are not subject to the multitude of state and local regulations, such as parking, signage, taxes and the like. If your business includes selling liquor, the Tribe may well control who gets future permits and licenses, and impose taxes on these businesses. Why would a non-Indian want to do business here? Existing non-Indian businesses may be driven out of town.

Make no mistake, if the Tribe succeeds, it will dominate everyday life in Emmet County. In fact, the Tribe's Constitution demands it. Unless the Tribe allows it, as a non-Indian, you have no vote on Tribal laws or on the election of officials; you cannot attend meetings of the Tribe, and your lawyer cannot even appear in Tribal Court.

This historically premium resort and retirement home area will lose its national appeal as a coveted destination due to the negative aura of being under the jurisdiction of Odawa Tribal leaders within an Indian Reservation. Given other premium choices, who would choose to come here?

The Tribe says none of this will happen. Don't be fooled. Just Google what is happening on Indian Reservations all across America. Furthermore, ask this question: why is the Tribe asking the Federal Court for the power to make all this happen if it doesn't plan to use that power?

We need your help to fight back. You can help by making a tax deductible contribution to the Protection of Rights Alliance Foundation, P.O. Box 28, Harbor Springs, MI 49740.

Thanks to the Watershed Council for their continued work on this important issue.

ECLA members are volunteer monitors.

Volunteer Botulism Monitoring Program—2016 Report

For visitors and full-time residents alike, waterfowl are an iconic symbol of Northern Michigan. Unfortunately, in recent years, these beloved birds, along with others such as scoter, grebes, and piping plovers, have faced a very serious threat in the form of a very tiny toxin.

Avian botulism is a paralytic disease caused by ingestion of a toxin produced by the bacteria *Clostridium botulinum*. Avian botulism has resulted in more than 100,000 bird deaths in the last half century, according to the Journal of Great Lakes Research. The botulism toxin is produced in low-oxygen conditions in decaying algae along the shorelines and bottom of lakes. The toxin reaches lethal levels in birds, due to biomagnification in the aquatic food web.

Since 2007, the Watershed Council has recruited volunteers—Beach Rangers—to document bird fatalities along the Lake Michigan shoreline in Charlevoix and Emmet Counties. This data collection effort contributes to a lake-wide research program coordinated by Michigan Sea Grant and the Michigan Department of Natural Resources. There is still much to learn about factors affecting the highly variable and at times localized, bird die-offs. Most accounts point to zebra mussels, nutrient pollution, and warmer waters contributing to algae growth, which in turn results in decaying algae layers prime for producing the botulism toxin.

In 2016, the Watershed Council's Beach Rangers surveyed

an impressive 136 miles of Lake Michigan shoreline, documenting 410 dead birds. Many of these were likely killed by avian botulism. Sadly, this was the highest rate of mortality since 2012. Hardest hit were common loons and long-tailed ducks, and the west and northwest facing shorelines (primarily outside of Little Traverse Bay) saw the greatest number of bird carcasses.

Although algae appeared to be lighter, warmer than average water temperatures persisted well into the fall season, which likely resulted in conditions conducive to production of the botulism toxin. In early to mid-November, we saw the greatest number of documented fatalities (figure 1). The largest mass die-off reported by the Beach Rangers was located in Greene's Bay on Beaver Island with 39 birds, most of which were long-tailed ducks. This was relatively small compared to several larger, localized die-offs documented by Common Coast Research near Gulliver, MI (over 600 birds) and Sleeping Bear Dunes National Lakeshore (239 birds).

A big thank you goes out to our 2016 volunteers. 37 concerned citizens contributed to this program between September and December. If beach walking in the name of science appeals to you, please contact Matt at 231-347-1181 or matt@watershedcouncil.org. The annual Beach Ranger Training will be held during late summer 2017. For more information on this program, see <https://www.watershedcouncil.org/avian-botulism-monitoring.html>.



Transformation and Resiliency of the Great Lakes

Invasive species that have entered the Great Lakes have brought about an interesting transformation of the fish life in the Great Lakes. Those of us who remember the invasive alewife fish rotting on the beaches remember the innovation by the Michigan Department of Natural Resources with the introduction of the Pacific salmon in the 1960s. The salmon fed on the alewife and the salmon prospered, creating a whole new sport fishing industry for the Great Lakes. Along came the invasive mussels—the quagga and zebra mussels—that filter out the plankton and algae from the water, leaving little food for the alewife. With the die-off of alewife fish, the salmon population plummeted. A predator of the mussels is the round goby fish, also an invasive species, both from the Ponto-Caspian region, whose strong jaws are able to break the shells of the mussels and consume the flesh of the mussels. The mussels live on the lake bottoms and have become food for bottom feeders, including the lake trout, walleye, and smallmouth bass that feed near the bottom. So while the populations of the salmon and steelhead that feed higher up on the water column have declined, the populations of these invasive mussel species and the round goby fish have blossomed.

Great Lakes Water Levels

The Great Lakes, their connecting waterways, and watersheds, comprise the largest lake system in the world. A normal feature of the Great Lakes water level is either low or high from an average monthly mean. In February 2017, The National Oceanic Atmospheric Administration (NOAA) predicted that all of the Great Lakes water levels would be above average except Lake Ontario since fall of 2014. The U.S. Army Corps of Engineers, on June 2, 2017, stated that all Great Lakes are at higher levels than the previous month. Lakes Superior, Michigan-Huron, and St. Clair have risen 4 to 5 inches since May 2. Lake Erie has risen 7 inches and Lake Ontario has risen 12 inches. The Corps forecasts are coordinated with the Environmental and Climate Canada records.

NOAA Great Lakes Environmental Research Laboratory (GLERL) explains that the net plus or minus levels of the Great Lakes is predicated upon various factors such as over-lake runoff, over-lake precipitation and evaporation, which are dependent on rainfall, heat, evaporation, and ice formation during the winter months.

Lake water levels directly affect shipping, fisheries, tourism and coastal infrastructure such as coastal roads,



wetlands, and piers. The highest recorded monthly means for the Great Lakes occurred during June in 1986, with the exception of Lake Ontario, which occurred in 1952. The years of the lowest recorded monthly means occurred in Superior (1926), Mich-Huron (1964), St. Clair (1934), Erie (1934), and Ontario (1935). These statistics were based on the difference from the long-term monthly June averages.

-Army Corps of Engineers Weekly Great Lakes Water Level Update June 2, 2017

-NOAA GLERL "Great Lakes Water Levels-February 2017

Will Oak Wilt Be the Next Invasive Species Coming to Emmet County?

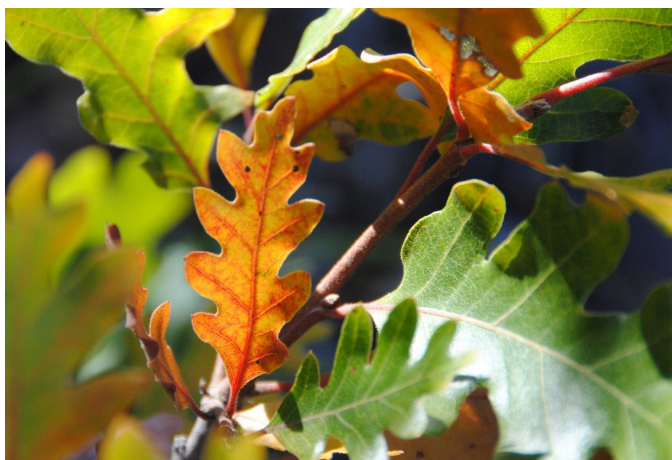
Are we running out of trees? A ride along the M-119 tunnel of trees looks like a tornado came through the woods, with beach trees toppled half way up. And does anyone remember ash trees, now long gone? If things are not bad enough with the beach bark disease which is devastating the beach trees throughout the State, including in Emmet County, and the previous damage caused by the emerald ash borer, we now have a new tree disease to worry about.

Oak wilt is not yet in Emmet County, but it is in Cheboygan and Charlevoix counties. Oak wilt is a fungus that can spread between oak trees in 2 ways:

1. The spores are carried by beetles from one oak tree to the next. The spores can enter the tree through areas of the tree where pruning or a wound has occurred and infect the tree. It is recommended not to prune between mid-April and July and preferably not before November.
2. Root grafts where roots of an infected oak touch the roots of another oak. An infected oak can impact another oak within 100 feet.

For red oaks, the oak most prevalent in Emmet County, it is quickly fatal. I personally witnessed this on two 100 year old oaks at our home downstate when the trees seemed to die almost overnight. White oaks are a bit more resilient and possibly can be treated with fungicides.

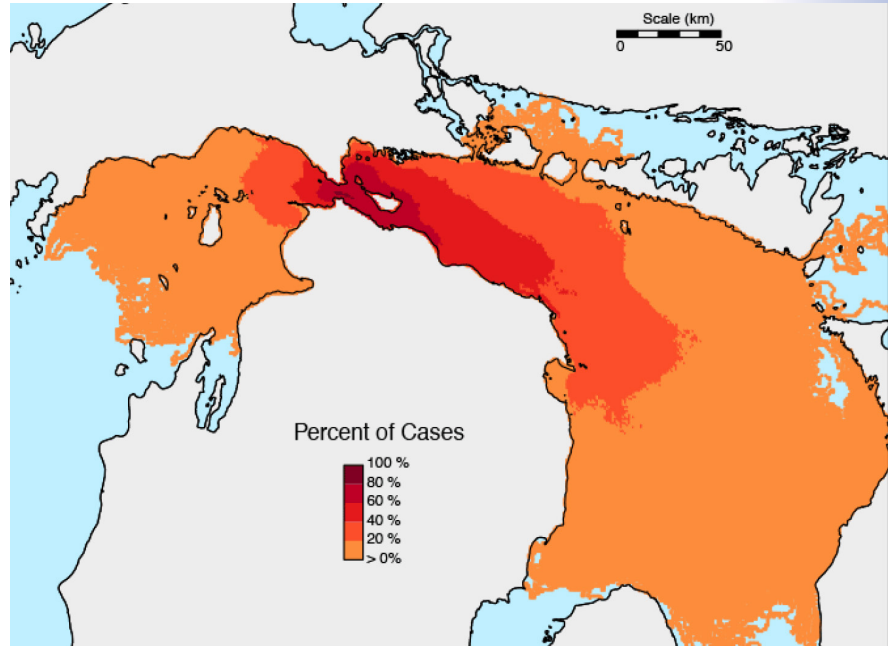
To report suspected oak wilt, email DNR-FRD-Forest-Health@michigan.gov, or call 517-284-5895.



Line 5 Pipeline

In our Summer 2016 Newsletter, we posted the University of Michigan's modeling of the impacted area if a spill from the Enbridge Line 5 were to occur in the Straits. We are printing it again in this Newsletter to continue to point out the potential significant impact a spill from this line would have on our area. As reported in 2016, a state task force was formed in 2014 to conduct an independent risk analysis respectively, for Enbridge Line 5.

However, on June 20, 2017, the Michigan DEQ terminated the contract of Det Norske Veritas, Inc. (DNV GL), the firm preparing a risk analysis report in the Line 5 pipeline below the Straits of Mackinac. DNV GL violated the conflict of interest provisions by doing work for Enbridge. The contract was terminated prior to the draft report being delivered to the state's project team.



University of Michigan model shows potential reach of oil spill in the Straits of Mackinac under different scenarios.

This will likely delay the full study by at least six months (if not more) as the State of Michigan seeks to identify and contract with a new risk analysis consulting firm. In the meantime, the state plans to issue the separate alternative analysis prepared by consultant Dynamic Risk Assessment Systems. The findings on the alternative analysis will be presented to the public on July 6, beginning at 5:00 p.m. at Holt High School, 5885 Holt Road, Holt, Michigan, 48842. The state will then hold three public sessions on the report: July 24 in the Lansing and Traverse City areas, and July 25 in St. Ignace.

Great Lakes Restoration Fund Soon to be Gone?

The Great Lakes restoration funding of \$50 million is altogether eliminated in President Donald Trump's first formal budget proposal for 2018. This is part of \$2.6 billion in cuts to the Environmental Protection Agency. The focus of the Great Lakes Initiative included cleaning up toxins, point source and non-point source discharges of pollutants, and combating invasive species in the Great Lakes. In prior Newsletters, ECLA has provided chapters entitled "Health of the Great Lakes—Part I and Part II" which addressed invasive species in the Great Lakes.

Copies of those Newsletter articles are available online at the Emmet County Lakeshore Association website. These articles addressed some of 180 invasive species located in the Great Lakes which have changed the ecology of the Great Lakes. See article in this issue titled "Transformation of the Great Lakes."

The Petoskey City Council unanimously passed a resolution formally stating its support of the Great Lakes Restoration Initiative. The resolution is directed to elected representatives in Washington, D.C. who "are implored to place the highest level of importance on the protection of our water resources as we rely on these waters for our very existence."



AT&T Home Base for Internet and Phone Available in Our Area

Another option for Internet and Phone has become available in our area. It's called AT&T Home Base. I'm using this solution and live on M-119 in between Good Hart and Cross Village. Basically its a small box that receives cell signals and is a WIFI hub, as well as a landline phone jack for a standard telephone. (If you are having problems with weak cell signal in your area Wilson Electronics manufactures cell signal booster that works well.)

I was a bit skeptical that this would work because I had also tried a USB netmodem that AT&T had sold in the past that occasionally worked locally, but wasn't good enough for us to replace the Hughes Net satellite internet. My wife heard about the AT&T Home Base from a neighbor that was having success with it. So she purchased it, brought it home, set it up and got it working herself! Impressed me, even more so the speed which Facebook pages left up on my browser... and we could stream movies, an option that was limited harshly by Hughes Net 20GB monthly datacap. And FaceTime video calls became a reality too. Compared to AT&T Home Base 250GB monthly datacap, the Internet becomes more flexible and useable. And with a monthly price that is very attractive for internet use alone, it also comes with an additional phone line with unlimited minutes.



Signs – Effective 5/24/2017

The following is a partial list of the new Emmet County Sign Text Amendment. Contact the county for the full text as this is a synopsis only.

Definition from Section 2.01

Sign: Any identification, description, illustration, display or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, or temporary sign designed to advertise, identify or convey information. For the purpose of removal, signs shall also include all sign poles and similar supporting structures. Signs under one-square foot in size on or next to a door or on a mailbox or post are not regulated by this Ordinance.

Section 22.07 Signs and Billboards

Sign plans shall be reviewed for approval, conditional approval or rejection by the Zoning Administrator, in consultation with any Advisory Sign Review Committee appointed by the County Planning Commission. Non-illuminated signs or replacement signs which meet the standards of this Section may be reviewed and approved by

the Zoning Administrator. For disagreements with the rulings of the Zoning Administrator, the applicant may appeal to the Zoning Board of Appeals, who in such instances has final authority on the sign plan.

The standards in this Article are determined to be the minimum necessary to achieve the above stated purposes.

Compliance with this Section does not relieve the applicant from the responsibility of compliance with other local, state or federal sign regulations, nor does the issuance of a Sign Permit grant permission to the applicant to place signs on any property, including road rights-of-way, other than property owned or otherwise legally under the control of the applicant. The issuance of a Sign Permit only assures the applicant that the sign meets the requirements of the County Zoning Ordinance.

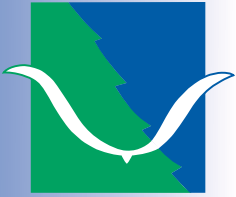
It is also acknowledged that the county's economic well-being is heavily dependent upon the resort and tourist industry. This dependence makes the preservation of the environment from unreasonable signage a matter of critical importance to this County.

Continued on page 7

22.07.2 Signs Authorized Requiring a Permit (unless stated otherwise) R-1, R-2, RR, and SR	FF-1 and FF-2		B-1, B-2, B-3, PT, and I			
	Number allowed	Maximum size allowed	Number allowed	Maximum size allowed	Number allowed	Maximum size allowed
Freestanding Sign – Permit required for new signs	1	18 sq. ft. and 8 ft. in height	1	32 sq. ft. and 8 ft. in height	1	56 sq. ft. and 10 ft. in height (Signs located in the road right of way shall not exceed 32 sq. ft. and 8 ft. in height)
Shall not be longer than four (4) times its width.						
AND / OR	OR		AND			
Wall-Mounted Sign – Permit required for new signs	1	8 sq. ft. May project outward up to three (3) feet Wood crafted or is a sign of equivalent character.	1	32 sq. ft. Shall not be longer than four (4) times its width.	1 or 2	15% of the surface area of the mounting wall (computed on the ground level story only—ground level story height may not exceed 12 feet) A second wall-mounted sign may be permitted on buildings located on a corner lot. A banner may be permitted in lieu of a wall-mounted sign provided it is securely attached to the wall and it meets all other requirements of a wall-mounted sign.
Wood crafted or is a sign of equivalent character.				Shall not project beyond or overhang the wall face by more than five (5) feet. No sign shall project above the ridge line of a hip, gambrel, gable, or mansard roof, or above the parapet of a flat roof.		

22.07.4 Signs Prohibited

- A. Signs containing flashing, intermittent, or moving: lights, images, motion pictures, or similar mechanisms.
- B. Signs which are erected in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- C. Signs with moving or revolving parts and/or messages.
- D. Signs affixed to trees, rocks, shrubs, fences, utility poles, or other similar features.
- E. Signs which are insecurely fixed, unclear, or in need of repair.
- F. Portable signs utilizing vehicles, trucks, vans, or other wheeled devices; or tripod, sandwich boards, or changeable message signs, except that licensed vehicles painted or affixed with signs shall not be prohibited from properly parking in a designated parking space.
- G. Advertising devices such as banners, balloons, advertising flags, pennants, pinwheels and searchlights or other devices with similar characteristics unless otherwise permitted in this Section.
- H. Signs which overhang or extend into a dedicated public right-of-way without the written consent of the governmental unit having jurisdiction.
- I. Signs that have concrete foundations or other solid anchoring devices that project above the surface.



Emmet County Lakeshore Association

Post Office Box 277
Harbor Springs MI 49740

In unity, there is strength



In other news...

Blarney Castle of offering ECLA members propane contracts for \$1.29 gallon. Contact them at (231) 347-8134.

The Good Hart Mini Fair will be Sunday, July 16, 2017 from 10 am to 3 p.m. Come out and visit the ECLA tent!!

Harbor Springs Festival of the Book will be September 29 – October 1, 2017

ECLA's Annual Meeting will be Friday, August 4, 2017 at Birchwood Farms Golf and Country Club. Our guest speaker will be Lance Boldrey, attorney from the Law Firm of Dykema

Gossett. He will be speaking on the Little Traverse Bay Bands of Odawa Indians vs. Governor Snyder lawsuit and giving the membership updates. The Tip of the Mitt Watershed Council will also be displaying information on the Enbridge Line 5 pipeline. We look forward to seeing you.

Check out ECLA's website www.emmetcountylakeshore.org for more information.

Emmet County Lakeshore Association

Board of Directors

Bob Bokram • Rob Deane, *Nominating Chair* • Lou Kasischke, *Vice President* • Jan Malott • Franz Neubrecht, *Secretary*
Gary Rentrop, *President* • Sue Rentrop, *Treasurer* • Dick Selvala • George Smolak • Susan Stackhouse • Linnie Walters

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