

Emmet County Lakeshore Association

Summer 2013 Newsletter



Contributors for the articles are: Rob Deane, Franz Neubrecht, Kimberly Dowd, Gary Rentrop, Lou Kasischke

President's Letter to ECLA Members

I have enjoyed serving as the President of ECLA and having the privilege of working with excellent ECLA Board members and ECLA representatives during the past year. ECLA's non-profit Articles of Incorporation were filed with the State of Michigan in 1973. In its Bylaws the Association's Purpose is, "To promote the health, welfare and safety of the community and educate the citizens on the important issues as well as to protect and preserve the natural beauty and environment of Emmet County Townships that lie along Lake Michigan between Sturgeon Bay on the north and Harbor Springs on the south."

ECLA has maintained its dues at the modest annual amount of \$25.00 for a single membership and \$50 for a family membership. ECLA annual expenses are minimal. So one might ask: Why the dues? Too often associations wait until a big problem hits and then they set out

attempting to raise money overnight in order to hire attorneys to protect their members' interests. Frequently, the need for funds is immediate—to seek injunctive relief from a court. Often these efforts to raise immediate money fall far short of what is needed. ECLA's Board believes it is a wiser strategy to build over time, without creating an immediate financial burden on its members, a reserve that is readily available to provide legal protection for our members' property interests should a significant threat to our members' interests require immediate action.

On behalf of the ECLA Board, I want to thank you for being a member and for caring for this wonderful part of Michigan which we are so fortunate to enjoy.

Very truly yours,
Gary Rentrop



Property Tax 101.1 Update

An excellent article in the Summer 2011 ECLA Newsletter by Board Member Franz Neubrecht described the basics of how our property tax bills are computed. Last year I updated Franz's article for 2012. This brief article updates "Property Tax 101.1" for our summer and winter 2013 tax bills, the former due to be mailed soon.

Review of "The Two Main Components that Affect Your Property Tax"

A. The taxable value (TV), computed each February, is the lower of the State Equalized Value (SEV) (50% of the true cash value on the preceding Tax Day, December 31) or the Capped Value (lesser of 5% of the increase in "the CPI") as determined by the State of Michigan. For 2013, the taxable value (TV) is the lesser of:

1. The 2012 TV increased by 2.4% or
2. The 2013 SEV

For some ECLA property owners, the SEV may have decreased to the point that the 2013 TV has actually decreased compared with the 2012 TV. This resets the TV for future TV maximum increases. If you are so blessed, enjoy it while it lasts.

- B. The millage rate is the total of all the various millage rates passed or set by the voters or the taxing authority. For Emmet County homestead and non-homestead owners, the 2013 rates for the summer and winter taxes will remain the same or slightly higher compared with the 2012 millage rates.
- C. The tax bill then is the product of the TV and the millage rate appropriate for the summer and winter tax bill, often plus a 1% administration fee. Check your Feb. 2013 "Notice of Assessment, Taxable Valuation, and Property Classification" for the estimated increase/decrease in your 2013 total property tax bills.
- D. If you do not agree with the annual SEV or TV as announced in the Assessment Change Notice (received about 1 March each winter) and you wish to appeal, you MUST appeal to the early March Board of Review of that year. If you do and are not satisfied with the decision of the Board of Review, you may appeal further to the Michigan Tax Tribunal in Lansing by 30 June of that same year.

This is my best understanding of the facts regarding the 2013 summer and winter tax bills based on my research. Do not rely on this as The Gospel. If you have questions or have found an error(s) in my article, feel free to contact me, Rob Deane, at (616) 456-8463.

Asian Carp: Recent Events

On June 23, 2010, an invasive bighead carp was captured in Lake Calumet, 6 miles away from Lake Michigan. This is the first physical specimen that has been found in the Chicago Area Waterway System above the U.S. Army Corps of Engineers (USACE) Electric Barrier System. The fish was measured to be 34.6 inches long, weighed 19.6 pounds, and was probably about 3 to 4 years old, old enough to reproduce.

The Chicago Ship and Sanitary Canal connects the Mississippi River to the Great Lakes. In attempt to prevent the Asian Carp from entering the Great Lakes, the United States Army Corps of Engineers erected a dispersal barrier system on the Chicago Sanitary and Ship Canal (Figure One). The electric barrier on the canal is designed to repel the carp back from entering Lake Michigan.

There are three electrical barriers: Demonstration Barrier, Barrier IIA and Barrier IIB. The Demonstration Barrier has been operational since 2002. Barrier IIA was placed into full-time operation in 2009 and Barrier IIB was activated in April 2011. The Demonstration Barrier and Barrier IIB are in continuous operation, while Barrier IIA is in warm standby.

Issues of concern with the barrier include low lying areas of land positioned between the Des Plaines River, the Illinois and Michigan Canal and the Chicago Sanitary and Ship Canal. During heavy rainfall events, these areas are prone to flooding. A significant rain could flood the banks allowing these fish to bypass the barrier and advance toward Lake Michigan. A 13-mile concrete and steel mesh fence that splits the narrow divide between the Des Plaines River and the Chicago Sanitary and Ship Canal, paid from the federal Great Lakes Restoration Fund, is designed to keep the Asian carp from breaching the low-lying strip of land between the river and the shipping canal during heavy rains. To prevent invasive Asian carp from entering the lakes while the barrier is not turned on, fisheries managers treated a portion of the canal with poison resulting in a large scale fish kill in a five-mile stretch of the Chicago Sanitary and Ship Canal on which the barrier resides.

As part of a multimillion-dollar investment in fighting Asian carp, the Federal Government has given \$7 million to help carry out the Asian Carp Monitoring and Rapid Response Plan. As part of the Plan are new tools which include underwater cameras and nets with super-tight holes. They are all part of the program to bolster the electric barriers put in place by the Army Corps of Engineers, which are the main line of defense.

In February 2012, the Obama Administration released the 2012 Asian Carp Control Strategy Framework outlining 58 new and continuing actions that build upon the proactive efforts to protect the Great Lakes from Asian



carp undertaken in the 2010 and 2011 Frameworks. The Framework focuses on sustainable, long term controls while permanent solutions are developed. In addition, the 2012 Framework outlines the priority actions planned and under way to address the threat of Asian carp invading the Great Lakes, including both management actions to prevent Asian carp introduction and establishment, and research to develop permanent controls on Asian carp populations. The 2012 Framework is posted on-line at <http://www.asiancarp.us>.

The U.S. Army Corps of Engineers announced on May 8, 2012 that it will provide Congress and the public the opportunity to identify a potential permanent Asian carp solution in 2013, much earlier than expected. With this important new step under its Great Lakes Mississippi River Interbasin Study, the Corps will release in late 2013 an assessment of the best options for keeping Asian carp out of the Great Lakes, including the preliminary estimated costs and mitigation requirements for each option. This will allow for public and Congressional input on which options merit more detailed project design. This new step will result in a more focused path forward that could mean faster implementation of a permanent solution for protecting our Great Lakes from Asian carp.

Despite the Corps announcement, the U.S. House of Representatives and Senate passed a provision in the Transportation Bill that would speed completion of a federal study key to stopping the Asian carp's march to Lake Michigan. Rep. Dave Camp and Sen. Debbie Stabenow offered the measure. The act requiring the U.S. Army Corps of Engineers to complete the Great Lakes and Mississippi River Interbasin Study (GLIMRIS) within 18 months of the bill's enactment marks the first legislation passed to shrink the GLMRIS timeline since the initial introduction of the Stop Asian Carp Act in 2010.

To address the advance of the Asian carp towards Lake Erie, Indiana crews installed a nearly 1,200-foot-long, 8 feet high fence designed to prevent adult carp from using the northeastern Indiana marsh to swim from the Wabash River

system into the Maumee River and then on to Lake Erie during floods. The fence is bolstered by almost 120 concrete barriers. Construction of the main fence and a supplemental 500-foot-long debris catch fence began in early September. This is a short-term option while the U.S. Army Corps of Engineers and other federal agencies work to develop a permanent solution to prevent Asian carp from slipping into the Great Lakes through an Indiana marsh.

On July 13, 2012, officials announced that six water samples taken from Sandusky, Ohio and north Maumee bays tested positive for the presence of Asian carp environmental DNA in Michigan and Ohio waters. Four samples from Sandusky Bay, in Ohio waters, tested positive for bighead carp eDNA, while two samples from north Maumee Bay, in Michigan waters, were positive for silver carp eDNA. In response to the positive test results, officials from the Michigan and Ohio DNRs, the Michigan Department of Environmental Quality, the U.S. Fish and Wildlife Service, and White House Council on Environmental Quality are developing a plan of action in collaboration with the eDNA research team to obtain follow-up samples and test results as quickly as possible. Test results from future water samples will dictate the nature of further response methods.

As we begin 2013, John Goss, the Asian Carp Director at the White House Council on Environmental Quality and the Chair of the Asian Carp Regional Coordinating Committee stated: "I think it's important to note that the Asian Carp Regional Coordinating Committee (ACRCC) made significant progress in 2012 along a number of fronts in our efforts to prevent Asian carp from reaching the Great Lakes. For

example, the electrical dispersal barriers are now operating at optimal parameters; no new live Asian carp have been found in the Chicago Area Waterways System (CAWS) above the electric dispersal barriers, with over 40,000 hours of netting, electrofishing, and keen observation by experienced fisheries biologists; and we're making advances on efforts to identify technologies to control or eradicate Asian carp".

In addition, over the last few months, the U.S. Army Corps of Engineers has made significant progress on reports that will be important building blocks for the identification of a recommendation to prevent the movement of aquatic nuisance species between the Great Lakes and Mississippi River basins. Through this effort, called the Great Lakes and Mississippi River Interbasin Study (GLMRIS), the Corps has released:

- An Aquatic Nuisance Species (ANS) White Paper identifying 39 high risk aquatic nuisance species for invasion to either the Great Lakes or Mississippi River;
- An assessment of non-commercial cargo Chicago Area Waterways System traffic; and
- An assessment of commercial cargo CAWS traffic.
- A Control Technology Report identifying technologies that exist to prevent ANS transfer between the Mississippi and Great Lakes basins.

During the spring of 2013, the mid-west has experienced increased rainfall and flooding. It remains to be seen if all of the barriers, fences and electronic check points will continue to serve as blockades to the introduction of Asian Carp into the Great Lakes.



References

Tip of the Mitt Watershed Council, www.watershedcouncil.org

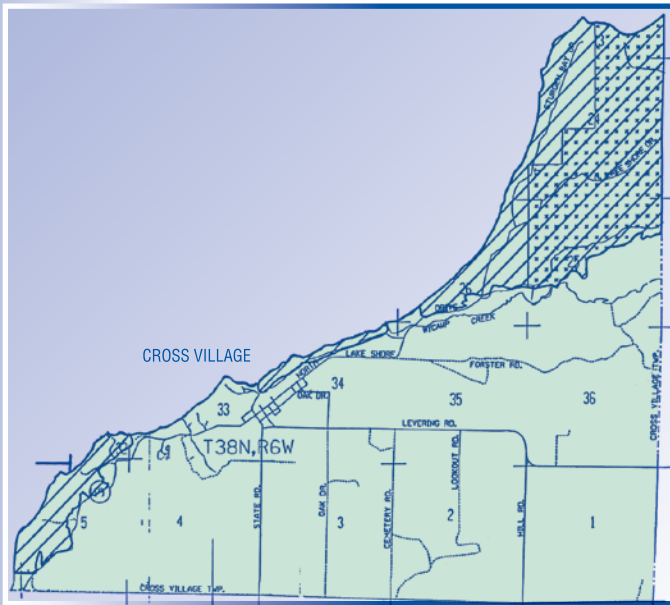
Asian Carp Monitoring and Rapid Response Plan. The monitoring plan can be accessed at <http://www.asiancarp.us/monitoring.htm>

The New Sand Dunes Protection Act

The Sand Dunes Protection and Management Act and the Environmental Protection Act were amended last August by Michigan's Public Act 297 of 2012 (the "New Sand Dunes Act"). Of significance is that the New Sand Dunes Act preempts local ordinances, such as the Emmet County Dune Overlay District Ordinance adopted in 1991, where the terms of a local ordinance are more restrictive than allowed by the New Sand Dunes Act.

The state amendment came about by reason of our state legislature's concern that the then existing sand dunes act (which allowed for local governments to adopt ordinances more restrictive than state law in the regulation of critical dunes), would result in claims by property owners for damages. In one lawsuit, for example, the state had settled for \$1.8 million.

At the outset, it might be helpful to understand which sand dunes in the ECLA membership area are regulated. The following is the current Critical Dune Area Map for our membership area:



The following is a list of the most significant changes in the New Sand Dune Act:

1. Local Ordinances cannot be more Restrictive than state law: As mentioned, one of the more significant changes is the elimination of a provision under the prior Sand Dune Act. This change means that a local zoning ordinance regulating critical dune areas cannot be more restrictive than the requirements of the Michigan Department of Environmental Quality (MDEQ). While a county can still regulate critical dunes and a permit (from the MDEQ or from the local governmental authority if it has an ordinance) is required for work to be conducted in a critical dune area, the county's regulations cannot be more restrictive than state law. The MDEQ will review local ordinances regulating dunes and determine if they comply with this restriction. Emmet County voted to repeal its Critical Dunes Ordinance, which had been on the books since the early 1990s, rather than attempt to enforce an ordinance that would be restricted in its scope of regulation by the new law. Accordingly, applications for a permit to do work within a critical dune area in Emmet County are now made to the MDEQ Cadillac office. Under the New Sand Dune Act, a person still shall not initiate a use within a critical dune area unless the person first obtains the required permit.

2. No other local ordinance can be more restrictive than the New Sand Dunes Act unless there is a showing of damage: The New Sand Dunes Act also requires a permit or a variance to a local ordinance (other than a Sand Dune Ordinance) to be granted if enforcement of that ordinance would prohibit work in a dune area that would otherwise be permitted under the new law, unless it was more likely than not that the resulting harm to the environment would significantly damage the public interest or deplete or degrade the diversity, quality, or function of a critical dune area if the ordinance was not enforced. So any local ordinance which might be on the books, which could be utilized to restrict work in a critical dune area, would not be allowed to apply unless this high threshold of damage could be met by the local government.

Phragmites

Phragmites (PHRAGMITES AUSTRALIS), also known as the common reed, is an aggressive wetland invader that grows along the shorelines of water bodies or in water several feet deep. It is characterized by its towering height of up to 14 feet and its stiff wide leaves and hollow stem. Its feathery and drooping inflorescences (clusters of tiny flowers) are purplish when flowering and turn whitish, grayish, or brownish in fruit. Eventually, Phragmites become the sole dominant plant in many of these wetlands at the expense of native flora and animals' dependent on these native habitats.

What To Do With Phragmites Along The Shoreline

Effective July 2, 2012, the Michigan Legislature passed PA-247 which exempts limited shoreline management activities along

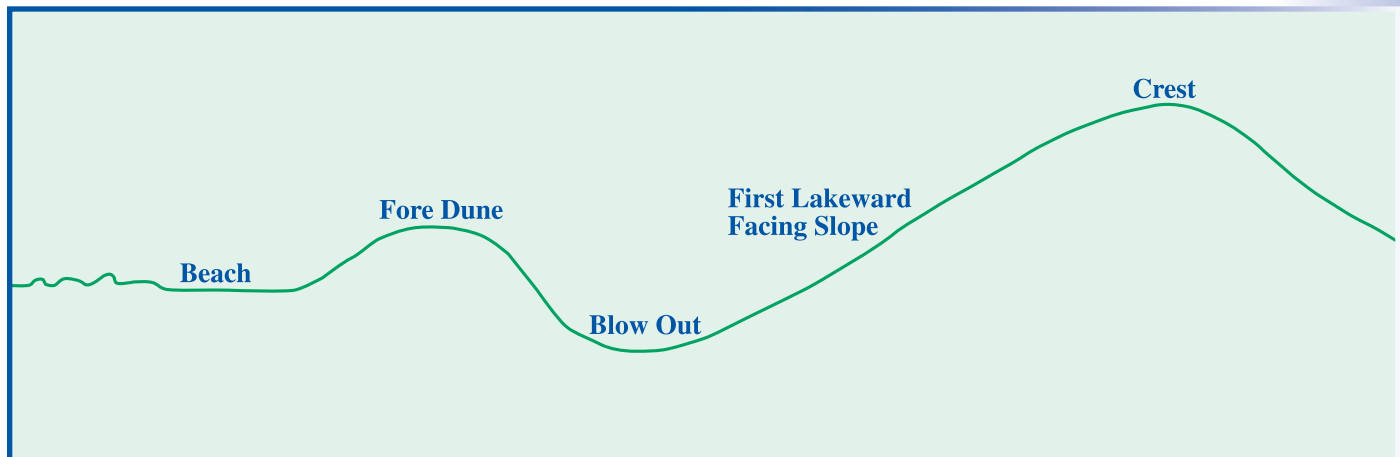
the Great Lakes from Part 303, Wetlands Protection and Part 325, Great Lakes Submerged Lands.

Before taking any action, you should first determine whether the plants are native or invasive Phragmites. Use the accompanying identification photos (figure One) to help identify the difference between the native and alien species of Phragmites. Landowners should follow the recommended control methods that include herbicide treatment followed by removal of the invasive plants and annual maintenance

Mowing is not an effective control method for Phragmites as regeneration from rhizomes often causes an increase in Phragmites stand density, and can spread viable seeds. Mechanical methods must be used carefully to avoid stimulating

3. Cannot require an Environmental Impact Statement: The New Sand Dunes Act prohibits a local unit of government, or the MDEQ, from requiring an environmental impact statement. Under the repealed Emmet County Ordinance, such a statement could have been required if additional environmental information was thought necessary.

4. Building in the Critical Dune Area: The New Sand Dunes Act, under certain circumstances, allows for the construction of a dwelling or other permanent building on the first lakeward facing slope of a critical dune area or fore dune on lots of record which were recorded with the register of deeds before July 5, 1989, but only if the lot does not have sufficient buildable area landward of the crest to undertake such construction. This new language is in sharp contrast to the prior Emmet County Critical Dune Ordinance which would not allow construction in these areas even if a hardship was shown. The following illustrates what is the fore dune and first lakeward facing slope:



5. Driveways: Driveways are now allowed to access any building allowed in a Critical Dune Area. Cuts through critical dunes for a drive need to be designed and constructed so as

to be “not likely to increase erosion or decrease stability.” The repealed Emmet County Ordinance did not allow driveway cuts through critical dunes unless no other feasible means of access existed. Whenever feasible, shared drives were required under the Emmet County Ordinance. A driveway can now be on slopes no matter how steep, as long as mitigating measures to minimize adverse impacts are utilized.

6. Limits who can bring action to remedy a violation: Only the MDEQ or a local unit’s governing body can request an action to remedy a violation of the New Sand Dunes Act. Prior law under the Michigan Environmental Protection Act, and before the Michigan Supreme Court altered this law, held that any Michigan citizen could bring an action.

Property law is always a balancing act. To what extent can the government exercise control over one’s property without legally interfering with one’s property rights? If a local ordinance was applied so that a property owner had no

meaningful use of his or her property, an unconstitutional taking of property without just compensation may be found by the courts to have occurred.

growth of Phragmites. Mowing alone leaves the rhizomes behind. Regeneration from those rhizomes may cause an increase in stand density. Removal of Phragmites through digging and hand pulling is also ineffective due to the extensive root system created by this plant. Disturbing the soil through mechanized disking or raking may also contribute to rapid expansion of Phragmites and is not recommended.

Proper treatment of Phragmites uses a limited and targeted approved herbicide under a DEQ aquatic nuisance permit. Next steps can include removal of dead treated Phragmites stems or prescribed burn of the treated area.

Permits are required from the Michigan Department of Environmental Quality for chemical treatments and for removal.

For chemical treatment information including permitting requirements and blank permit application forms visit www.michigan.gov/deqinlandlakes (Select Aquatic Nuisance Control) or contact the Aquatic Nuisance Control Program.

The use of a licensed applicator who is certified in aquatic pest management is recommended for herbicide application, especially in large, dense stands and in sensitive areas such as wetlands: Pesticide Application Businesses Licensed by the State of Michigan. (For Great Lakes shoreline, search by Category 5 for wet areas and Category 6, Right-of-Way, for dry areas).

Reference:
Tip of the Mitt Watershed Council www.watershedcouncil.org

Thank You to ECLA Member Volunteers

A big THANK YOU! to the ECLA members who volunteered for the Beach Ranger project to monitor shoreline bird mortality last fall. You helped cover 25 miles of our Emmet County-Lake Michigan shoreline from September to November. Your efforts prevent the spread of toxins and disease and keep our beaches beautiful! Thank you!



Hundreds of loons, diving ducks, and other fish-eating birds died on the shores of Lake Michigan in the fall of 2012. Loons seemed to be particularly hard-hit this year; in Emmet and Charlevoix counties, Beach Ranger volunteers reported 431 loon fatalities. The majority of the fatalities were reported during October.

It is believed that these birds succumbed after ingesting toxins commonly known as "avian botulism," which has been blamed for varying levels of bird deaths in the Great Lakes over the last 50 years. Fatalities vary for reasons including:

- **Water conditions:** Botulism toxins are released (from naturally-existing bacteria) within a certain temperature range and a certain anaerobic environment such as that created by thick algae.
- **Migration timing:** Birds migrating during toxin-producing conditions are those that are worst struck; in 2012 the loon mostly seemed to be in the wrong place at the wrong time.
- **Migration patterns:** In 2011, for instance, bird deaths were much higher on Lake Huron than Lake Michigan; it was believed that there was a shift in migration paths that contributed to this change.
- **Storms:** Botulism toxins cause intoxication and a paralytic condition of a severity depending on the amount ingested. Intoxicated birds can recover if they have not ingested too much of the toxin and are able to reach land before becoming paralyzed. Storms, like the big ones we experienced in the fall of 2012, can create an insurmountable struggle toward land for weakened and intoxicated birds.

Emmet County mortalities as tallied by Tip of the Mitt Watershed Council and reported to U.S. Geological Survey:

Species:	Fatalities	Species:	Fatalities
Cormorant	104	Canada Goose	2
Loon	198	Common Goldeneye	1
Horned Grebe	39	Longtailed Duck	1
Rednecked Grebe	73	Mallard Duck	5
Unspecified/ Unknown Grebe	10	Unspecified/ Unknown Birds	46
Herring Gull	21	Common Carp	0
Ringbilled Gull	10	Burbot*	0
Unspecified/ Unknown Gull	3	Lake Sturgeon	1
Common Merganser	3	Walleye*	0
Redbreasted Merganser	0	Lake Trout*	1
Whitewing Scoter	12	Salmon	Omitted**
Surf Scoter	0	Unspecified/ Unknown Fish*	8
Bufflehead	0	Squirrel (unspecified)*	1

*could be unrelated to botulism

**salmon omitted due to presence of natural mortalities from their life cycle

Source: Tip of the Mitt Watershed Council, 2013

We can prevent the spread of toxins and disease by properly disposing of dead birds (Burn (follow local fire ordinances and take proper precautions to prevent forest fires!), bury (away from the shoreline at least 2 feet deep), or place in a plastic bag and dispose with your household trash. Wear plastic gloves and be sure to wash your hands and any tools you use!)

If you are interested in volunteering for Autumn 2013 shoreline monitoring, contact Dan Myers at the Tip of the Mitt Watershed Council (phone: 231.347.1181 or email to: dan@watershedcouncil.org). Resources and general information about avian botulism are available at www.watershedcouncil.org.

2013 ECLA Annual Meeting

It was Wau-go-naw-ki-sa to the Native Americans, L'Arbre Croche to the French and a compelling destination for centuries.

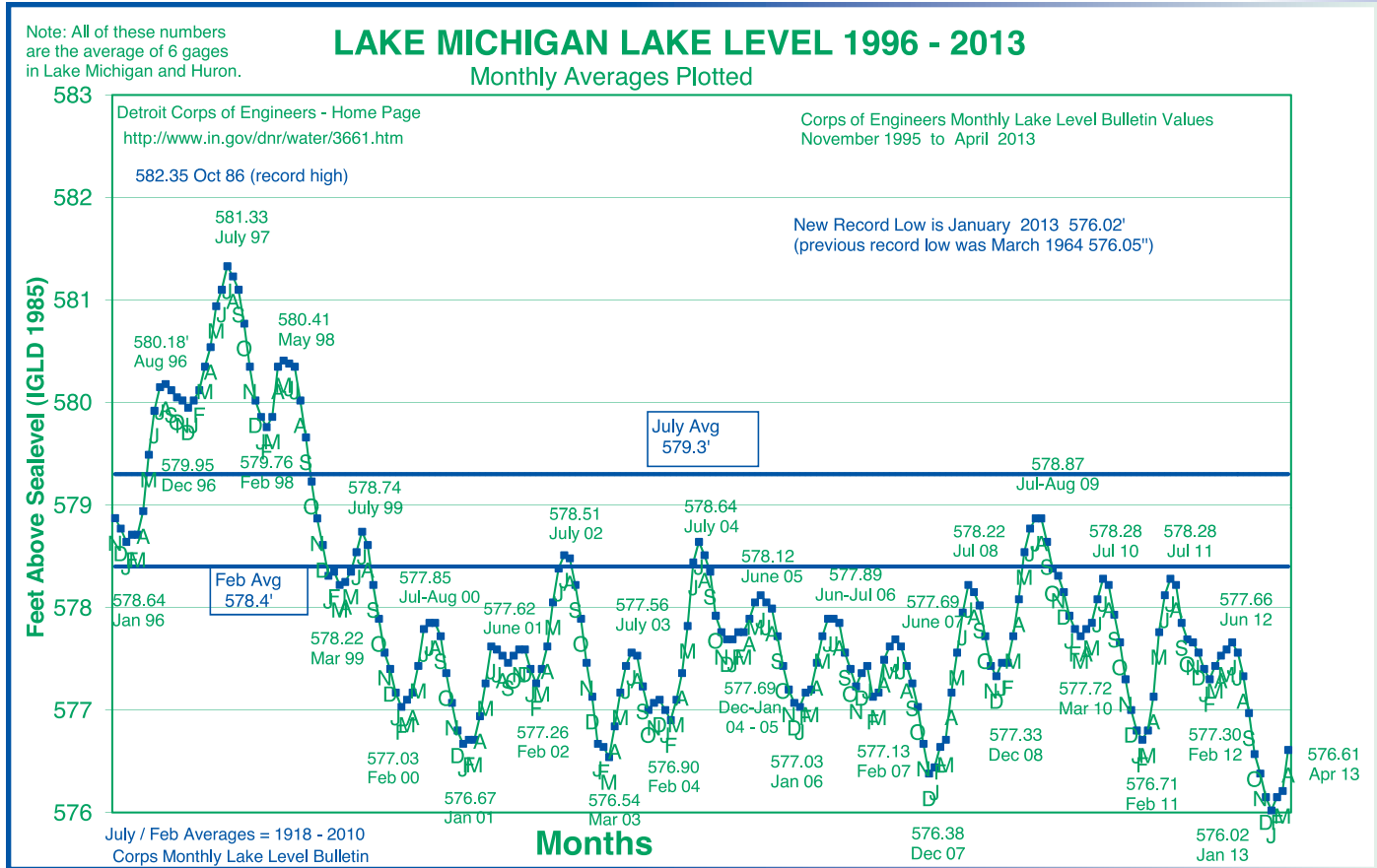
The Place Where the Crooked Tree Stood written by Jane Cardinal, is the result of seven years of compiling the tapestry of events that under lay this beautiful stretch of land along the lake. You will be amazed at the descriptions of what was here in the days when overland travel was all but impossible. Enjoy a few tales about the majestic forests and fisheries or a

time when passenger pigeons became a local industry. So much of the rich history of this area, that had been scattered over the years, will be tied together to impart a deeper appreciation of and sensitivity for The Land of the Crooked Tree.

Please join us **Friday August 9th, 2013** for our Annual Meeting at Birchwood Farms Golf & Country Club. Jane Cardinal will be our guest speaker. Watch your mail for the registration form.

Great Lakes Water Levels

Lake Michigan and Lake Huron, considered one body of water, dropped to its lowest level on record in January. The projections are that the lake level will hover a few inches above last year because of this past winter's precipitation. However, the lake level will remain low. It takes several seasons of good precipitation to bring the lake back up to the lake's average level. The lake level in Lakes Michigan and Huron in February was more than two feet below its long term average and 15 inches lower than this time last year.

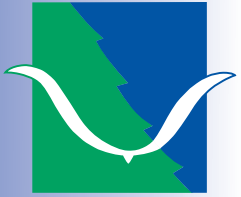


What is causing this low lake level?

1. **Natural fluctuation.** As you can see from the graph above, the lake goes through natural cycles moving from high to low lake levels and back again.
2. **Evaporation** is perhaps the single biggest cause of water loss:
 - a. **Ice cover.** Ice through the winter months serves to prevent lake water evaporation. In recent years there has not been the amount of ice cover that we saw years ago. Who remembers the perch fishermen and their truck 7 miles out off Waugoshance Point? Have not seen that in over 10 years.
 - b. **Surface temperature.** In 2012 the lakes were exposed to the hottest year in recorded history and warm winters in 2011, 2012. Nearly one foot of water level loss occurred during 2011, 2012.

What is causing this warm condition? Is climate change causing the water loss? As one expert put it, "the answer is a decisive maybe."

3. **Dredging of the St. Clair River** (the major "drain" of Lakes Michigan and Huron): The Army Corps of Engineers, which has dredged the St. Clair River since the 1800's to better enable shipping, now agrees with researchers who say that the deepening of the St. Clair River accounts for over a foot of permanent lake level loss in Lakes Michigan and Huron. However, it is believed dredging in 1933 and 1962 cut through the natural sand and gravel bar that previously acted as a natural barrier restricting outflow from the lake. Lake Erie and Lake Ontario, which receive the flow diverted through the St. Clair River, are not facing a significant loss in lake water levels. A remedy may be the construction of "sills" — a barrier that would act as a kind of subsurface dam. On April 15th the International Joint Commission advised the U.S. and Canadian governments. That they should investigate structural option to provide 10" of relief to Lake Michigan and Huron water levels. It may be possible to provide up to 20" of relief. These sills might be rotating barrier or inflatable barriers allowing the lake levels to be somewhat managed.



Emmet County Lakeshore Association

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In unity, there is strength

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Motorcycle Noise on M-119

ECLA sent the following letters to the Michigan State Police and the County Sheriff on March 8, 2013:

Dear Sarg. Gooding,

I am writing on behalf of the Emmet County Lake Shore Association (ECLA) who's membership consists of approximately 425 property owners along the M-119 corridor north of Harbor Springs. I am writing to you because of the great assistance you and your department have provided to the area concerning the bike tour events on M-119.

As you are aware, the spring, summer and fall months are plagued with the noise of motorcycles, which, no doubt, have modified mufflers that greatly enhances the exhaust noise of the motorcycles.

I am well aware of the difficulty of noise regulation enforcement. However we understandably continue to receive a large number of complaints from our members along M-119 about this noise, particularly during the summer months. Would you be willing to speak with me or write to me about your department's policy on vehicle noise regulations and enforcement so that ECLA may so advise its members? My contact information is:

Gary Rentrop
Rentrop & Morrison P.C.
40950 Woodward Avenue, Suite 300
Bloomfield Hills, Michigan 48304
email: grentrop@rentropmorrison.com
Ph: 248 644 6970 x300

I wish to thank you for your anticipated response.

Dear Sheriff Wallin,

As you are aware, the spring, summer, and fall months are plagued with the noise of motorcycles which, no doubt, have modified mufflers that greatly enhances the exhaust noise of the motorcycles.

I am well aware of the difficulty of noise regulation enforcement. However we understandably continue to receive a large number of complaints from our members along M-119 about this noise. Would you be willing to speak with me or write to me about your policy on vehicle noise enforcement so that ECLA may so advise its members? My contact information is:

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email: grentrop@rentropmorrison.com
Ph: 248 644 6970 x300

I wish to thank you for your anticipated response.

Sheriff Wallin contacted ECLA and, while certainly sympathetic to the noise complaints, explained the difficulty of noise enforcement. The motorcycles are often in packs, and identifying those who are and who are not exceeding the acceptable db level is impossible using a db sound decibel reading device. Even if a motorcyclist(s) could be singled out, it is likely that the reading on a handheld "RadioShack Device" would not hold up in court.

Trooper Herbert L. Corey of the Michigan State Police also contacted ECLA. Trooper Corey also was very sympathetic. He and his wife reside on 5 Mile Road and experience the motorcycle noise even at their home. He explained some of the same difficulty with enforcement and said that even if a ticket is issued, if the motorcycle's exhaust system is repaired to bring the motorcycle into compliance, the ticket is automatically dismissed.

All in all, it looks at least for now like we are just going to have to live with those motorcyclists who are enthralled with the sound of their machines, with no regard for the sensibilities of those who live in the area of the road or for the peaceful beauty of Shore Drive.