

Emmet County Lakeshore Association

Summer 2026 Newsletter

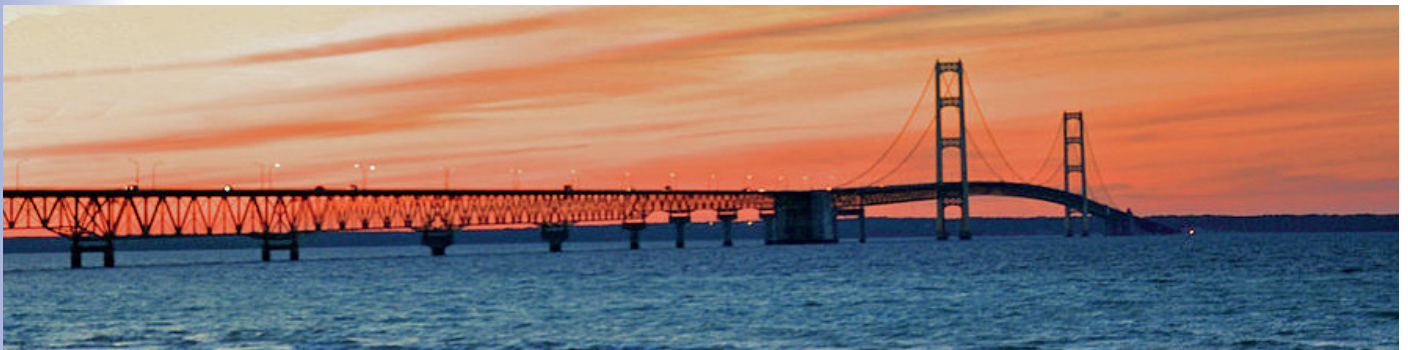


ENBRIDGE LINE 5

RECENT DEVELOPMENTS

Because of the concern about a possible oil spill from Enbridge's Line 5 that crosses the Straits of Mackinac, which if it was to occur would pollute and contaminate water supplies in Northern Michigan, ECLA has continued to report in its Newsletters on Line 5. For background and past developments on Line 5 and a proposed tunnel please see the 2025 Newsletter and prior Newsletters. The following are updates since the 2025 Newsletter:

1. The **Public Service Commission ("PSC")** Decision issuing its Permit for the Line 5 Tunnel was upheld by the Michigan court of Appeals. 12 tribes, including the Little Traverse Band, filed an appeal with the Michigan Supreme Court ("MSC") and to the surprise of many, the Court accepted the appeal and oral argument took place on May 30th. Many view the acceptance of the appeal by MSC as a sign it may overturn the PSC permit. The basis of the appeal is the PSC failed to consider the common law doctrine of Public Trust (the waters and bottom lands belong to the people) and failed to consider a requirement under the Michigan Environmental Protection Act ("MEPA") that requires the consideration of alternatives to the pipeline and tunnel. The PSC only considered continuation of the existing Enbridge pipeline as the only "alternative". The tribes and environmental groups argued alternative routes should have been considered as an "alternative".
2. The **Army Corps of Engineers ("ACE")** issued a preliminary permit but has not yet issued the required final Permit.
3. The **Michigan Department of Environment Great Lakes and Energy ("EGLE")** closed public comment on its required permit on June 30, 2026. Next step is a granting or denial of the required EGLE permit.
4. **Attorney General Nessel's lawsuit** was removed from Federal Court and is now back in State Court. In this case, the AG argues that the 1953 Enbridge Pipeline easement given by the state violates the Public Trust Doctrine and the MEPA (the same argument being asserted in the Michigan Supreme Court appeal of the Public Service Commission decision).
5. The **Wisconsin Bad River Band of Indians the ("Tribe")** filed a lawsuit against Enbridge for trespass, installing a line across its Reservation, and for damaging its Reservation land. The lower court ruled in favor of the Tribe requiring Enbridge to remove that portion of its line which crossed the Reservation by a given date; it also awarded money damages to the Tribe for Enbridge's trespass. Enbridge has appealed this ruling and the removal of the line has been stayed until a final decision by the Court of Appeals. The Appeal is pending. Enbridge has begun rerouting efforts around the south end of the reservation. The case matters to Michigan in that if Enbridge cannot reroute the line, no petroleum products can reach that portion of the line crossing the Straits.
6. **Federal Legislative Bill to prevent Line 5 shut down** sponsored by our representative Jack Bergman and introduced on June 19 2025 is pending.



A Vision to honor those who were willing to give all and everything for this land of the free and home of the brave.

The Cross Village Veterans Memorial Park

Nov. 24, 2025 The Cross Village Township Board voted to establish the Cross Village Township Veterans Memorial Park to be located on the northwest corner the intersection State Rd./Chippewa Dr. and M119.

In addition to an enclosure fence, benches, and flag, the committee envisions plaques for each branch of service, a purple heart memorial, and they intend a special recognition of Company K, a battalion of sharpshooters composed of Native Americans, many who were from Cross Village.

About Company K

It was in July of 1863 that 23 native American residents of Emmet County, under the leadership of Lieutenant Garret Graveraet, enlisted at Little Traverse, in Company K of the first regiment of Michigan Sharpshooters. The company had the distinction, with the exception of its captain and first lieutenant, of being composed of Native Americans.

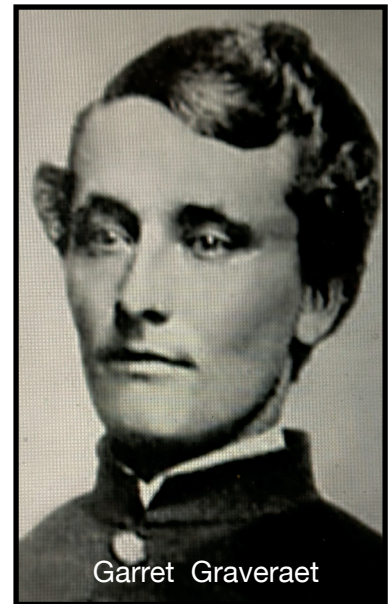
After the regiment had completed its organization, it was stationed in Dearborn. Then things got serious when this regiment joined the Army of the Potomac, and from that time to the discharge of its survivors in July, 1865, it was constantly engaged in active service, 22 engagements, many of them of major importance.

A quotation from Michigan in the Civil War pg. 372 - re. the Battle of Spotsylvania

“On the right stood the 27th fighting with unparalleled coolness and bravery; everything left of the sharpshooters had been swept away, and the attack on their front and flank, with both infantry and artillery, pouring in shot and shell, was terrific, but they gallantly held their ground.

“On the left of the Sharpshooters, were a company of civilized Indians, in the command of the late and lamented Graveraet, an educated French/Indian, as brave a band of warriors as ever struck a war path; they suffered dreadfully, but never faltered or moved, sounding the war whoop with every volley, and their unerring aim quickly taught the rebels they were on very dangerous ground.”

On the grounds of the State Capitol in Lansing is a monument commemorating and honoring the skill and unrelenting heroism of the regiment.



Lieutenant Garret A. Graveraet

Garret Graveraet has a fascinating history which connects briefly to **Middle Village** as does that of his nephew, **John C. Wright**. Garret's mother was **Sophia Bailey**, daughter of the famous French fur trader on Mackinac Island during the American Revolution, Joseph Bailey.

His mother was an Ottawa princess, Bead-way-way. His Grandmother was **Angelique McGulpin** the grand-niece of **Chief Pontiac**. Sophia often accompanied her father on trading missions. She was adopted and educated in French on Mackinac Island, by the wealthy Native American trader, **Mme. La Fromboise**. It was there she met and married Henry G. Graveraet, son of a German-American Revolutionary hero. There were three children of this marriage, Garret, Alice and Roseine (mother of John C. Wright who wrote *The Crooked Tree*).

Just prior to the Civil War, they moved to Little Traverse. Garret took a position as school teacher at the Government School in Middle Village which he later resigned to form the Famous Company K First Michigan Sharpshooters, an entirely Native American volunteer regiment drawn mainly from the area.

Lieut. W.J. Driggs, of the same company, says of him “he never shrank from danger. At the Battle of the Wilderness, and at Spotsylvania he remained constantly with his men, sharing their danger and encouraging them to stand their ground. In the disastrous charge before Petersburg, on the 17th of June, 1864, he placed himself at the head, and called them to follow. It was there that a bullet struck his left arm near the shoulder. He died from complications following surgical amputation. He was the most popular officer in the regiment and his loss was deeply felt.”

The initial budget for the project is \$44,600. The cost of the park will be paid for out of any available grant money and donations.

If you would like to contribute, make your check payable to...

Cross Village Township • PO Box 182 • Cross Village, MI 49723-0182

Be sure to write “Veterans Memorial Park Fund” in the memo section on your check.

Please also include your name, address and telephone number.

The tax ID number is 38-2843589.

Your contribution may be deductible. Check with your tax advisor.

NORTH COUNTRY TRAIL

When your children, grandchildren, or friends visit, do you find yourself looking for something new to do? Have you hiked the North Country Trail? The NCTA is a part of the North Country National Scenic Trail managed by the National Park Service. It extends from North Dakota through Minnesota, a portion of Wisconsin, the length of Michigan (both the Upper and Lower Peninsulas), into and around Ohio, across Pennsylvania and New York to Vermont where it intersects with the Appalachian Trail. Although parts are still under construction, when finished, it will comprise 4,800 miles of continuous hiking trails, the longest in the United States.

Michigan will have the longest segment of the North Country Trail: 1150 miles beginning at the west end of the Upper Peninsula along Lake Superior, east to Tahquamenon Falls, south to St. Ignace, across the Mackinac Bridge, continuing south along the western side of the Lower Peninsula to the Ohio border.

Just under six miles of this long trail traverses through Cross Village Township. **Starting at the trailhead located just east of Lakeshore Drive on Sturgeon Bay Trail, you will find the symbol of the North Country Trail and a wooden box containing brochures, maps, and a log of hikers using the trail** (be sure to sign in if you use the trail). The trail goes both north and south from this point. The portion in Cross Village Township heads south through Wilderness State Park, and around the west side of Wycamp Lake, also known as

Spirit Lake. This segment ends at Levering Road across from Zmiky Road. This area contains coniferous wetlands, mixed forest, and the Wycamp Creek Dam. You may also see a large eagle's nest high in the trees, wild blueberries, and a few of the curious forest critters.

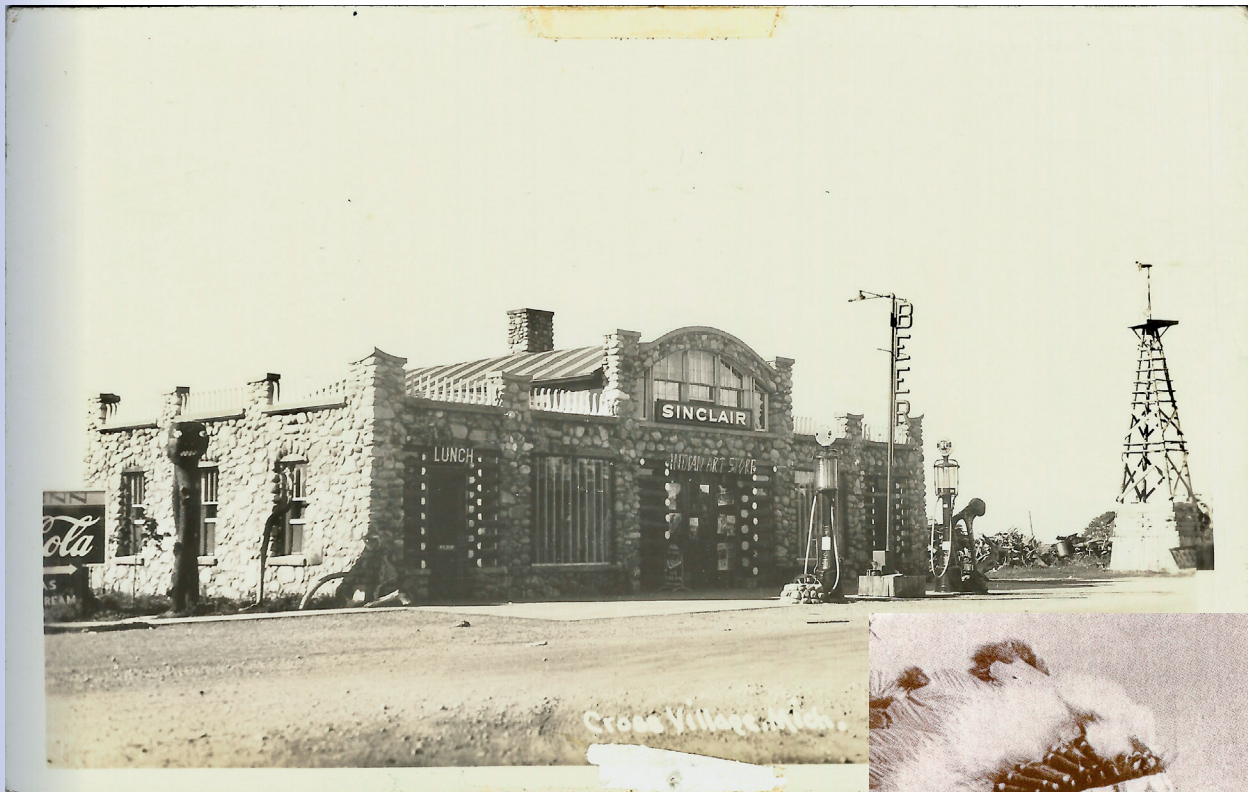
The best part of this activity is that it costs you nothing to enjoy. However, if you do value the experience and want it to continue, you can help by joining the Harbor Springs Chapter of the NCTA. In addition to making a donation of money, land, or easements, you can participate in group hikes with other members, and help maintain the trails. This year has been especially challenging due to the severe ice storm last March.

The Harbor Springs Chapter is responsible for maintaining the trail between Mackinaw City and Kipp Road, just north of Petoskey. Two segments of the trail are currently closed for restoration due to the storm. Active logging is still occurring in Section#1 between Kipp Road and Valley Road, and in Section#4 between Homer Road and Larks Lake Road. Check the website to determine the status of these segments www.northcountrytrail.org.

If you want to help, contact Shari Searles, Chapter President, (231)838-9744 or email hrb@northcountrytrail.org. More information is available on their Facebook page at North Country Trail Association.

Stanley Smolak

Legs Inn — his Folk Art Masterwork



Legs Inn. 1938

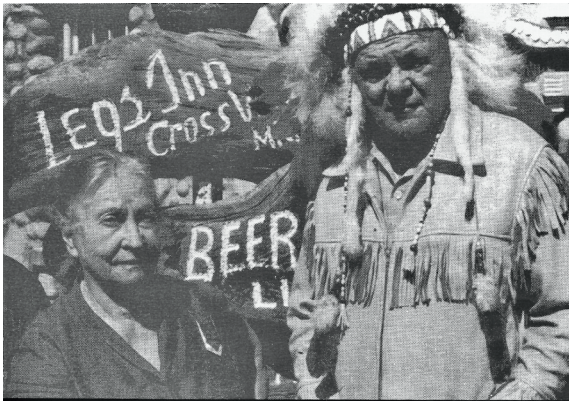
(Stanislaw), Stan Smolak always knew the joy of community as a child. His father owned a tavern in Kamionka, Poland. He fashioned all the furniture for it. His musically talented friends and family played music there. People danced, enjoying the atmosphere the Smolaks created. It was a town favorite, a comfortable place to gather, chat, drink and be merry.

When Stan emigrated to the U.S. in 1912, he was 22. He worked in the furniture factories of Chicago and New York. He saved his money to travel up Lake Michigan as the resorters were doing. He discovered Cross Village. It was 1921. The quiet beauty, away from the dirt and bustle of the big city, spoke to his memories of Poland, of home.



Stan was initiated into both the Odawa and Chippewa Tribes as Chief White Cloud

He and Eleanor bought Amos Wagley's Bluff Hotel. They added a front porch that swept the Lake side of the building. The hotel was crowned with a widow's walk that recalled the schooner business of Amos' father. Eleanor ran the hotel, tended huge gardens, served a much complimented whitefish dinner, provided sandwich fare for the new American fancy of road tourism while Stan built his



Eleanor and Stan



*The band would play from the balcony.
The hall would be cleared for dancing*

tavern. The tavern was an assembly found material. Stan selected beach and field rocks that he found beautiful. Whatever burl, twisted or curious wood formation that washed ashore or was found on farm or forest and that sparked his imagination came to the Inn. And what an imagination! He made the tables with gnarled twists of branches for legs. An unbelievably huge hemlock, a testimony to the grandeur of first cut timber in the area, became the bar. When a tortured tree limb suggested a snake, it

became one. Eyes were painted, scales with touches of color and pattern. The dance hall became the residence of a fanciful menagerie of beasts, unique tables and chairs. The doors are a woodcrafters pleasure. Stove legs line the roof edge which gave the Inn its name. When the main room was completed the Bluff Hotel was torn down.



As for music, Stan's brother Jan came from Poland to help out after the tragic death of the Smolak's only child, Joey. Jan could make a violin inspire the shyest violet to dance. After Sunday Mass the town would gather at the Inn...it was just like home.,. like the old days in Poland.

The Inn is still run by the Smolak family. George and Kathy are stepping aside for their sons Chris and Mark to continue the legacy of great food in a setting that absolutely a gift of folk art perfection. It is regarded as a state treasure.

ASIAN CARP UPDATE: THE BRANDON ROAD BARRIER

Asian Carp is the term used to describe 4 species of invasive fish attempting to enter the Great Lakes, mainly through channels into Lake Michigan. If the Asian Carp enter the Great Lakes in sufficient numbers, it will destroy it as a fishery and change it forever.

As extensively reported in ECLA'S Newsletters of 2024 and 2025, there was much Federal and State support for the construction of the Brandon Road Barrier, consisting of a physical and electronic design to prevent the Asian Carp from entering Lake Michigan.

Funding approval was bipartisan with the Federal Government contributing \$275 million and the State of Illinois \$144 million. However, the project is at a standstill. The Trump Administration, in December 2025, paused distribution of funds for the barrier. This prompted Illinois to delay buying a piece of property needed for the project. The delay appears to be largely political, involving Governor Pritzker of Illinois, Governor Whitmer of Michigan and the Trump Administration.



On March 11, President Trump posted on Truth Social that "he is working with the governor (Pritzker) on trying to save the Great Lakes from the rather violent and destructive Asian carp, which is rapidly taking over Lake Michigan." It was not clear what his post really signaled, given the federal funding is now being withheld.

M-119 SOIL EROSION AND CULVERT WASHOUT

The following update on the M-119 soil erosion and road washout is from Jay Gailitis, Gaylord Transportation Service Center (TSC) Manager, Michigan Department of Transportation (MDOT):

The Soil Nailing* Erosion Control Project near Stutsmanville Road is more urgent in nature to guard against losing the highway and thus we are able use our emergency contracting process. This project could commence within weeks, and barring surprises, is expected to be complete mid-summer.

The Culvert Washout near Cross Village is less conducive to a quicker and temporary fix since the roadbed has been entirely washed away and thus we are pursuing a more traditional permanent fix that includes a large box culvert and reconstruction of the roadway. This will require survey (which is underway)

geotechnical data (completed), hydraulic analysis, culvert sizing, environmental review process, potential real estate acquisition, and other steps that will prolong the process. At this time, we are targeting a late-winter contract letting and 2027 re-construction of the culvert and roadway.

Note: MDOT can only estimate timing for these projects and so completion of both is subject to change.

** Soil nailing refers to the process of reinforcing and stabilizing soil by inserting steel bars, known as nails, into pre-drilled holes within the earth. These nails are typically installed at an angle and later grouted into place, forming a composite mass between the soil and reinforcing nails. Soil nailing improves stability for steep or loose soils and reduces the need for massive retaining walls. (EngineeringInfinity.com)*

Great Lakes Water Levels

In 2026, most Great Lakes are expected to remain below long-term average levels, with Lake Ontario potentially near or above average.

FORECAST OVERVIEW GREAT LAKES

U.S. Army Corps of Engineers and NOAA-GLERL predict that from March through August 2026, water levels will generally stay below long-term averages for all lakes except Lake Ontario. Seasonal trends indicate:

- **Lake Superior:** Continuing seasonal decline, remaining below average, with March levels around 183.16 m and rising slightly to 183.44 m by August.
- **Lake Michigan-Huron:** Levels 11–12 inches below long-term average, with March at 176.04 m and August near 176.30 m.
- **Lake St. Clair:** Forecasted 5–7 inches below average, with March at 174.81 m and August.
- **Lake Erie:** Slightly below average, March at 173.98 m, rising to 174.17 m by August.
- **Lake Ontario:** Expected to rise above or near average, March at 74.63 m, peaking around 75.00 m in July before slightly declining to 74.90 m in August.

FACTORS INFLUENCING WATER LEVELS

- **Precipitation:** Above-average precipitation in the Great Lakes Basin over the past 12 months has partially offset declines, particularly for Lake Ontario and Lake Erie.
- **Evaporation:** Hot summers and dry fall seasons from 2023–2025 increased evaporation, contributing to lower levels in Lakes Michigan-Huron and Superior.
- **Runoff and Snowmelt:** Seasonal snowmelt and runoff are expected to stabilize levels.
- **Climate Variability:** Extreme storms, heatwaves, and long-term climate patterns are increasing variability, making precise long-term trends uncertain.
- **Navigation and Shipping:** Lower water levels may affect freighter drafts, but the Corps does not anticipate major issues in shipping channels.
- **Recreation and Shoreline Management:** Boating, marina access, and wetland health may be impacted by low water, requiring adaptive management strategies.
- **Hydropower and Water Use:** Reduced levels can influence hydropower generation and water supply planning, emphasizing the need for monitoring and flexible infrastructure.

Overall, 2026 marks a **low-water phase** in the natural Great Lakes cycle, with levels still above historic lows but below long-term averages for most lakes, highlighting the importance of adaptive water management and monitoring.



SHORT TERM RENTALS

Short term rentals are a concern throughout the country. Many depend on the income from these rentals to meet their mortgage payments, usually on 2nd homes. Those living in proximity to homes being rented short-term can find it disruptive. ECLA's speaker at its Annual Meeting on July 24, 2026, at the Birchwood County Club is attorney Amanda Skeel who has extensive experience in the short term rental matter.



The following is an article in the Michigan Bar Journal which provides a brief description of the legal issues involved in short term rentals.

Short Term Rentals in Michigan: Where the Law Really Stands

Airbnb has changed how people use their homes. A spare room in Detroit or a cottage in Traverse City can turn into quick income. But in Michigan, the law hasn't rolled out a welcome mat for short-term rentals.

Zoning Rules

Michigan courts see zoning as a local matter. In *Reaume v. Township of Spring Lake* (2019), the Court of Appeals upheld a township's decision to shut down short-term rentals in single-family districts. The court said a revolving door of weekend guests doesn't fit the definition of a "dwelling." That case makes clear: if the ordinance bans it, the courts will back the town.

Deed Restrictions

The same story plays out in subdivisions. In *Eager v. Peasley* (2017), covenants that required "private occupancy" and "residential use only" were enough to bar Airbnb rentals. The court called them commercial in nature.

The Court of Appeals doubled down in *Aldrich v. Sugar Springs* (2023), ruling that "residential purposes only" language kept short-term rentals out. And most recently, in *Berlin v. Rubin* (2023), the court said a covenant limiting property to "single-family residence purposes" did the same thing. The Michigan Supreme Court affirmed that result this summer by an equal division—so the Court of Appeals ruling still stands.

Nuisance Law

Courts haven't branded short-term rentals as nuisances across the board. But neighbors still have remedies. Excessive noise, late-night traffic, or parking headaches can all trigger traditional nuisance claims or local code enforcement.

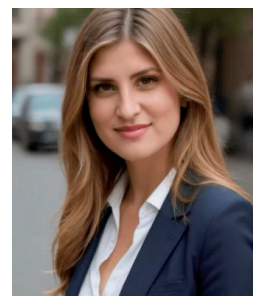
The Legislature

Lawmakers tried to smooth things out with House Bill 4722 in 2021. That bill would have called short-term rentals "residential" by default and stripped local governments of the power to ban them outright. It passed the House but died in the Senate. For now, municipalities still hold the reins.

The Takeaway

In Michigan, the law is simple but strict: Airbnb rentals can be blocked by zoning ordinances or by covenants in the deed. Courts have been consistent—short-term rentals aren't "residential use" in the way the law intends. Until Lansing changes course, homeowners who want to list on Airbnb need to check their local ordinances and restrictions before handing over the keys.

Kayla Toma is an SBM YLS Council Member and an attorney with Wood Kull Herschfus Obee & Kull, PC



Wineries v. Peninsula Township Judgment for \$50 million

Peninsula Township, outside of Traverse City, in July 2025 in a startling decision, was held liable for \$50 million in favor of an association of wineries—the Wineries of Old Mission Peninsula Association. The decision was rendered in the United States District Court Western District of Michigan by Judge Maloney (the same judge in the Little Traverse Bay vs Whitmer & ECLA).

The basis of the decision was the Township applied unconstitutional zoning ordinances against the wineries restricting many activities at the wineries including weddings, business events and public gatherings. Also the ordinance required wineries to purchase all grapes—they used to be locally grown—a violation of the commerce clause.

The Court found the Zoning Ordinance provisions did not protect agriculture in that for farmers to survive in the area they need supplemental income—without it, they are forced to sell their farms to developers which destroys agriculture.

It likely did not help that the Township offered no witnesses because their attorney missed a witness list filing deadline.

The case serves as notice to municipalities to be very careful in what activities they are restricting in Agriculture and Agriculture Recreational Districts. The case has been appealed.

OTIS PROPERTY

The Otis motel is located just south of Birchwood Country Club on M-119. On the Otis property, there is a planned development for a center that includes an event pavilion, wellness center, detached cabin units, and upgrades to existing motel rooms (see the development's site plan).

The development will include indoor and outdoor entertainment and the developer plans to have amplified music until 9 at night. It is located in relatively close proximity to single family residents in Birchwood—with nothing more than a horse pasture separating these residents from the development and the entertainment area (see Google Map of the Area). The project has been approved by West Traverse Township.

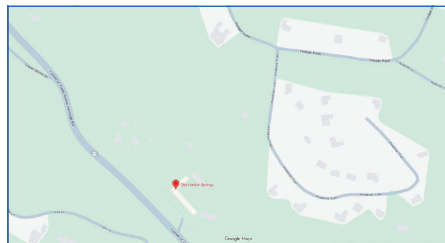
The Otis property is zoned residential/agriculture (R-1-A). The motel is allowed on the residential/agriculture zoned property only because it is a lawful non-conforming use, a use in existence before the zoning ordinance was adopted by the Township.

Ice Storm

In March 2025, Emmet County, along with 9 other counties, experienced a “storm of the century” ice storm. Thousands lost power for days, even weeks, with a state of emergency eventually being declared. It was the largest ice storm to impact northern Michigan in over 100 years. Trees snapped like matchsticks; red and jack pines were particularly impacted. You can see damage on the east side of Boyne Highlands along Pleasantview Road, where a piney has now been substantially cleared. In turn, the trees took out power lines and poles, some 3500 poles had to be replaced, and many roads were closed. The ice stayed for 3 days. Trees continued to fall and cause damage.

The storm toppled trees that had stood for 50 years—some even a century. All told, millions of tree were destroyed. Approximately 3 million acres of forest were affected according to the MDNR.

Over 1500 workers from across the country assisted in the massive project to restore electricity, almost four times the number of Great Lakes Energy and Presque Isle employees.



Several owners of the nearby residences on Pine Tree Hill are concerned about the likely impact this proposed commercial/entertainment use will have upon their residential use of their homes and property. These abutting homeowners have filed a lawsuit against the developer and West Traverse Township. The lawsuit asserts that the use violates the Township zoning ordinance/R-1-A zoning district and that the approval process for a special land use permit required by the Township's zoning ordinance was not followed. The law does not permit the expansion of a non-

conforming use, so the existing non-conforming motel in a residential/agriculture district cannot be a basis for further commercial development on the property.

Others in the community have expressed concern about the expanding commercial/entertainment uses along M-119 (the Tunnel of Trees) and the impact upon the rural, scenic M-119 corridor.

“If it’s worth doing, It’s worth doing(pause).....WELL?”

The Shurtleff House must be Saved



1. The Village before the fire.

2. The Shurtleff house (rt.) after the fire.

3. Mary Belle in the Museum. Notice the Odawa floor mat hanging on the wall. These floor coverings were made of woven bark. The French compared likened them to Oriental rugs. The sash on her arm was from the voyageur days. The voyageurs were known for their colorful esprit garments.

A piece of our local historic past is at a point of being lost as the Shurtleff house is for sale. The important points of focus are that it has been held in the family since 1890 and therefore most all it’s original Victorian touches remain authentic and intact. Secondly, it is one of the few buildings that survived the 1918 fire.

A foundational family

John S. Shurtleff was one of the pioneer teachers of Michigan. In 1870 he came to Cross Village at the request of Captain Wagley to teach his children. Wagley built the first dock and initiated the lumber industry. Cross Village District No. 1 School, which was established by Capt. John Wadley remains one of the few surviving one-room schoolhouses in the country.

In 1871 Shurtleff was appointed judge of probate, held offices of Supervisor, Justice of the Peace, Superintendent of Schools and taught in the village for 7 years - in addition to teaching 10 years before moving to Cross Village in his Mackinaw Island

years. His wife was appointed Post Mistress in 1873. In the early years, her office was her home and mail was kept in a cigar box.

Their sons, O.H. and W. M. Shurtleff engaged in real estate (timber land was hot and men were hired to access the amounts of prized timber on each plot.) In 1883 they built a large store in the village, the upstairs was the only town hall in the village and held plays, GAR (Grand Army of the Republic- Civil War) meetings, Dances and etc.)

The house has retained all the proud Victorian extravagances of a little village that seemed destined for success with lumber wealth. All the windows and doors are lined with lumber patterned with steam pressed designs brought up from Chicago. The Library is an amazing definition of the well read of that era. The small Post office Mrs. Shurtleff had built across from the home when the village out grew the cigar box, was moved by Mary Beth over to the side yard of the home. Later, she made it into a museum filled with beautiful Native American handiwork. This was a unique type of museum as most had never learned to see handicraft skill as art. Her museum was free, open to all. Mary Belle made sure these rare objects would be forever held in deep regard as she *gave* them to Cranbrook for their collections.

“Mary Belle Shurtleff (William’s daughter) is the most celebrated figure in the family’s local history. She authored the seminal book *Old L’Arbre Croche*, a comprehensive historical account of Cross Village and the surrounding indigenous Ottawa communities.

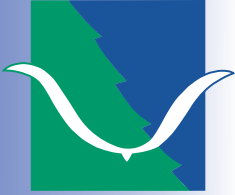
The Shurtleff family were prominent pioneers and foundational educators in Cross Village, helping shape its transition from a 19th century Ottawa settlement to an established town.”

It is our hope that in reading this you are touched by this opportunity to hold onto a symbol of place where all were welcomed. This amazing ancient village, Anamiewatigoing ”the prayer place by the Cross.”, once held the first Jesuit stopping place in the mid 1600s.!

Our history, if we don’t respect it, will sadly dismiss all that our fore families worked so hard to achieve and redefine themselves with.



If you would like to be involved with saving this landmark Cross Village home, please contact Gary Rentrop at (248) 710-2604 or grentrop@anafirm.com.



Emmet County Lakeshore Association

Post Office Box 277
Harbor Springs MI 49740

In unity, there is strength

Emmet County Lakeshore Association

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