

BIPOA

ISLAND CURRENTS

Beaver Island Property Owners Association Fall-Winter 2004

Mission Statement

The mission of BIPOA is to:

1. Represent the combined interests of our membership on issues of mutual concern that may affect the fundamental character of Beaver Island.
2. Support the preservation of the natural resources and beauty of Beaver Island and appropriate environmental conservation policies and/or methods.
3. Work with local government units in support of property owners' shared perspectives, concerns and investments.
4. Foster and support economic growth that is consistent with the preservation of the natural beauty of Beaver Island and the quality of life which is the reason for our original and continuing attraction to Beaver Island.

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Summer 2004 in review:

It was a summer of studies. St. James and Peaine Township jointly introduced the Master Plan Community Survey results. 88% of the respondents rated the quality of life on Beaver Island as good or excellent. 45% stated they lived on Beaver Island because of the remote character and natural beauty. Dislikes included rapid growth, urbanization, and junk cars/trash. 59% supported cluster housing to protect natural areas and 74% were in favor of restrictions on development in sensitive areas. 51% of responders were opposed to more paved roads; 20% thought that it would change the character of the Island and 19% felt that development would be accelerated. Good or excellent ratings were given to police, fire, EMS, and the Transfer Station. 1855 surveys were sent and a preliminary count of 467 were returned. Pages of comments were returned to both townships. Discussion of the economic development of the island continues to be needed if this plan will interface with landowners' visions. Several more meetings during the winter are in the planning stages. The Public Hearing/Adoption of the finalized Master Plan is slated for June 2005, followed by its adoption by the township boards. If you are on the Island during any of these meet-

ings, please attend to help the Planning Commissions determine the future direction of Beaver Island. In December, the Master Plan Survey results and further information will be placed on BIPOA's website. Dates and times of meetings will be listed on community web sites and in the local papers.

The Beaver Island Transportation Survey was conducted utilizing property owner mailings (258 responded) and interviews while riding the boat (253) during the end of August. On November 9th there was a presentation of the survey to the public. The preliminary findings were as follows: 29% were seasonal, 34% permanent residents, 35% visitors and 1.5% traveling for business. 71% typically use the ferry as the primary method of travel and another 20% come by air. 87% use the ferry for personal freight. 83% thought that the current ferry service was adequate. 79% also believed that a faster boat would cause additional development on the island. Comments were compiled and as usual, high marks were given to the boat captains and crew. Charlevoix facilities and charges were the majority of negative comments. According to Barb Schwartzfisher, from the Beaver Island Transportation Authority, *Continued on page 2, see Summer*

Current Efforts



Rural Health Center Planning

Chair: Joe Reed
(231) 448-2247



Recreation Resources Committee

Chair: Jack Kelly
(217) 352-3801 or (231) 448-2524



Master Plan for Peaine Twp.

Chair: Paul Glendon
(231) 448-2772



Property Owner's Manual

Chair: Ron Stith
(231) 448-2001 or (706) 268-2022



Island Clean-Up

Chair: Doris Larson
(616) 243-1037



Trails Committee

Chair: Krys Lyle
(231) 448-2149



Newsletter and Web Site

Chair: Pam Grassmick
(248) 489-0784 or (231) 448-2314
Co-chair: Doris Larson
(616) 243-1037 or (231) 448-2470



Membership, Promotion & Education

Chair: Ron Stith
(231) 448-2001
Co-chair: Marty Maehr
(231) 448-2926

Planning/Zoning Liaison:

Krys Lyle 448-2149

Chamber Liaison:

Rod Nackerman 448-2812

Summer in Review

continued from front cover

it was the first time that a survey actually discussed money spent in Charlevoix. Areas to be discussed will include a backup plan for the commercial industry of Beaver Island in the event of a major breakdown of the *Emerald Isle*. Ease of the schedule along with customer service in areas of shuttle runs will also be reviewed. Although travel numbers to the Island were off this summer, major projects such as road repairs and building helped to offset the decline. Barb was pleased by a phenomenal return rate of 55%. Major funding has been secured and many changes are in store for the Beaver Island boat dock due to a need for compliance with homeland security mandates. One such change will be a wrought-iron fence that will enclose and limit access to the dock area. The estimated \$80,000 fence was approved by zoning last month, and construction should be either completed or very nearly complete as this newsletter reaches you. Questions can be forwarded to the Beaver Island Transportation Authority at (231) 448-3149.

This summer over 700 copies of the *Property Owner's Manual* were distributed around Beaver Island and at the Charlevoix boat dock. A big thank you goes out to Ron Stith who chaired this committee and all the individuals who met for meetings, connected with county and township officials, and basically made this a reality. We have had only positive comments.

Mr. Tom Bailey, Executive Director, from the Little Traverse Conservancy discussed *Conservation Easement options* and included financial and tax incentives for land owners as well as public benefits. Jim Haveman gave personal insights into how his property on Beaver Island benefitted from such a plan.

The *Nature Lecture Series* which is a partnership between C.M.U. and B.I.P.O.A. again was both fascinating and useful for visitors and property owners alike. The topics were *Piping Plovers of the Beaver Island Archipelago* by Nancy Seefelt and *Water Quality on Beaver Island* by Donna King. Cladophora, which is a green algae, continued to be the topic of much discussion over the summer. The importance of such a find means that excessive nutrients, particularly phosphorous, are present and can lead to an overall decline in lake water quality. Cladophora can also indicate a potential health risk if it is the result of a malfunctioning septic system. We can all help by educating ourselves regarding phosphorous use along shorelines, specifically not using fertilizers with phosphorous within 30 feet of the shoreline, maintaining your septic system, and providing a natural vegetative buffer along the shore.

We are still in the planning mode for next year's nature lectures. If you have a topic that you think would be of general interest, please contact us at any of the numbers provided on page 7 of this newsletter.

BIPOA Annual Meeting 7-26-2004

Note: These minutes are to be approved at the July 2005 Annual Meeting and if corrections need to be made, please contact Doris Larson

President Pam Grassmick called the meeting to order at 7:30 and thanked attendees for coming. She explained that Township supervisors, John Works, Jr. and Don Vyse, had both been asked to attend the meeting. Don Vyse was unable to attend since he is in Canada. It was her expectation that John Works, Jr. would come to the meeting. Pam wished long-time property owner and board member, E.B. Lange, a happy 80th birthday.

Minutes of the 2003 annual meeting were approved. Annette Dashiell presented the treasurer's report. It was accepted.

Old Business:

Jack Kelly made draft reports of the *Beaver Island Recreation Resource Project* available. It has been circulated widely on the Island and the final draft is about ready for publication. Jack was happy to report that the *Beaver Beacon* will be publishing a summary report in the next issue. The Recreation Plan will also be referenced in the Master Plan. It is Jack's belief that the identity of public lands on the Island is a guard against land swaps and it is his hope that the Recreation Plan will provide a framework for recreational development of the Island in the future.

Krys Lyle circulated a report on the Master Planning Process. The report included a time line, a summary of survey results to date, and a

summary of the Visioning Session held on July 15th. Survey results will continue to be calculated as they are received.

Ron Stith reported on the Property Owner's Manual, which was published earlier this summer. Ron asked for comments, and would appreciate any recommendations for revision in the future. Ron also mentioned that an information area for property owners has been established at the library. It is a file cabinet directly across from the recorded books area. Property Owner's Manuals are available at the boat dock, at airports, in the library, and at places of business, and two copies were sent to each BIPOA household.

Jim Haveman reported on a meeting in regard to conservation easements. The Beaver Island Community Partnership in cooperation with BIPOA has published a Shoreline Best Management Practices manual. Several copies were available for attendees.

Pam Grassmick explained that the "address service requested" designation on the BIPOA newsletter would no longer be in effect since there is a \$.70 charge per issue for any returned newsletter. The Post Office will forward the newsletter.

Pam also reported that on June 15th she went to the Michigan Public Service Commission meeting in Lansing in order to speak about overcollection of monies by Great Lakes Energy. *County Lines* stated that overcharges were \$560,000 in 2003 and \$530,000 in 2004. Pam asked the commission to stop overcollecting since Islanders pay for fuel, the generating plant, and main-

tenance of the power plant in addition to extra fees. The money that is made by selling power to the mainland should be returned to the Island. Pam requested that at least \$100,000 of this money be allocated to aid the Health Center or to establish high-speed Internet service. BIPOA will receive a response from the Public Service Commission in October.

E.B. Lange commented that Great Lakes Energy charges are based on estimates and the Langes have fought these charges. E.B. reports that you have to be persistent but you may get some satisfaction. BIPOA will continue to make township officials aware of this problem.

Don Cole sent a report about the Friends of the Trails group. The committee has worked to place signs indicating public access to trails and to public land. The Trails committee has provided a 30-foot green belt along public areas to buffer private property owners. Copies of the Friends of the Trails Recreation Inventory Map were provided for attendees. Pictures of public access areas will be posted on the Charlevoix County website in the near future.

Nature/Lecture Series sponsored by BIPOA and CMU this summer have included:

- June 17th 2004 – Piping Plovers of the BI Archipelago;
- June 22nd 2004 – Conservation Easements; and
- July 29th – Water Quality on BI.

Continued on page 4, see Annual Meeting

Annual Meeting, continued from page 3.

New Business:

Representatives from across the Island gave five-minute reports about their sections of the Island:

Bob Welke explained that Port St. James is a private, residential community controlled by a very strict covenant. Port St. James includes 1,150 lots and residents pay a fee to belong to the community. Port St. James hires a resident agent who takes care of trash, mowing of community areas, and looks out for property in the winter. The community has a board of directors and by-laws. Beth Crosswhite is the current president of the board. She is the person to contact if someone desires to use facilities within Port St. James. Donegal Bay beach and Hidden Valley Trail are part of Port St. James, as is Mt. Pisgah. Don Tritsch sent his regrets at not being able to attend the meeting. Next year he will report about the city of St. James.

Pam Grassmick reported for the East Side. Currently there is concern about an exotic plant, which has invaded beaches: Reed Grass *Phragmites Australis*. There are two varieties of this plant, a North American variety and a European variety. The European variety is particularly aggressive. The plant sends out long runners with tubers, which plunge deep into the ground. It will strangle other plants, and indigenous beach plants are in danger of disappearing if Reed Grass is allowed to grow uninhibited. Dr. Don Wojak from CMU has been helpful in identifying the plant. He says the tubers have to be pulled up and disposed of in order to insure eradication, but mowing the grass yearly and pulling up runners will help in slowing growth. More information about this plant will be posted on the BIPOA website.

Another concern on the East Side is multiple driveways spilling out onto East Side Drive, causing traffic hazards.

Jim Haveman reported on the West Side Road. This is a Natural Beauty Road. Such a designation clearly states distances at which trees can be cut. The road has been graded 4.2 times this summer. Jim has viewed 3 eagles along the West Side Road, one an infant, so he assumes there is a nest. Rich Warren reported that Mrs. Redding's Trail has been nominated as a Natural Beauty Road as well and should soon receive this designation. A gate has been placed at the end of Mrs. Redding's Trail so there is no longer access to Greenes' Bay from the trail. Attendees were reminded that it is illegal to have ATV vehicles anywhere on the Island except on private property.

Annette Dashiell reported on Greenes' Bay. Annette complimented Ron Wojan. Ron recently built a house on Green's Bay, causing quite a bit of damage to the road due to construction equipment. However, when the construction project was completed, Ron repaired the road. Annette also reported that Charlevoix Co. trucks were preparing to scrape the West Side Road this fall and she was sure they were too close to the trees. She pointed out the Natural Beauty Road requirements, but the scraping was done anyway. Annette complained to the Charlevoix Co. Road Commission and several officials came to see her. She says the scraping has been better this year. Annette's report reminds all of us of the importance of remaining vigilant.

Jack Kelly said that the Charlevoix Road Commissioner stated the need for a road grader for the Island, rather than the blade that is currently used. (The need for a

grader has been recommended for many years.)

Mary Cook reported about Lake Geneserath, where a property owner's organization has recently been formed. Several residents were concerned about water levels and water quality so they met and encouraged others to join with them. The organization became official on July 3rd. Residents around the lake are also concerned about invasive plants. The Wildlife Club has planted walleye in the lake, and a loon-nesting platform will be installed this fall.

The problem of junk cars was raised. In St. James Township, junk cars are considered the purview of the nuisance ordinance. Peaine Township is working on a nuisance ordinance as well and it is assumed the junk will be one of the concerns addressed. It was mentioned that the problem with any ordinance is enforcement

Election of Officers:

Paul Neihaus presented Doris Larson and Jack Kelly for reelection to the board. A motion passed to cast a unanimous ballot for Doris and Jack and they were duly elected.

Announcements:

Upcoming Island Events announced included the BITA transportation study, Blood Drive, Homecoming, BIHS Annual Meeting, PABI Sunset Picnic, and AmVETS fishing tournament.

Annette Dashiell introduced Ron and Jan Bowers who have moved to the Island permanently, residing on Eastside Drive.

Rich Warren commented about how important it is for township supervisors to attend the BIPOA meeting. For some property owners,

this is the only opportunity they have to ask questions of officials. Members were encouraged to meet with John to express their concerns. He is in his office in Peaine Township Hall every Friday afternoon. Kevin White,

the zoning commissioner, is in his office in St. James Township Hall every Wednesday from 10 - 12 and from 1 - 4. BIPOA members were also encouraged to write letters to township officials expressing views

and concerns.

Members were invited to enjoy coffee, cookies and fellowship.

Meeting adjourned at 8:40 p.m.

Respectfully submitted,

Doris Larson

GLE Beaver Island Settlement Agreement

After our annual meeting, a fact finding committee was formed to examine questions raised concerning Great Lakes Energy Service on Beaver Island. The following report is from Paul Glendon who chaired that committee. We are all appreciative of Paul's time and talents in reviewing this matter for BIPOA.

The GLE Beaver Island Settlement Agreement in Michigan Public Service Commission Case No. U-12033 provides three possibilities for reduction of the \$10.25/month Beaver Island Surcharge to GLE electric customers:

1. If the actual construction costs for new three-phase cable and BI generation units turned out to be less than the allocated estimated amount specified in the Settlement Agreement, namely, \$2,777,378.

2. If the proceeds from litigation or insurance settlement on a claim for damage to the old single-phase underwater cable due to contractor's negligence, which proceeds GLE had the option to use to repair the line or reduce BI customers' portion of total construction costs of the new cable and generation units, or both, were applied against those costs and caused the BI-allocated portion of such actual costs to fall below the estimated figure referred to above.

3. And/or if the actual growth in electric hook-ups (new meters) on BI in the first five years after the settlement took effect exceeds the projected growth rate of 4% per year to such an extent, applying a "present

value" formula appended to the agreement, that it would reduce the surcharge by at least \$1.

I have received and reviewed information submitted by GLE (through its attorneys) to the MPSC in late August in the first two areas mentioned above.

They indicate that the BI allocated portion of actual construction costs was higher, not lower, than estimated. Thus there will be no surcharge reduction on that point.

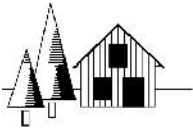
There was litigation against the cable contractor and it resulted in a mediated settlement of \$160,000. GLE had \$30,000+ in litigation expenses, leaving net proceeds of just under \$130,000. It chose to use those proceeds to have the damaged cable removed. Net of salvage value, the estimated cost of the single-phase cable removal will be \$118,000, leaving net proceeds of only \$12,000 applicable to reduce the actual construction costs for surcharge calculation purposes. If that sum is so applied, the result under formulas specified in the settlement agreement would be a monthly surcharge amount higher, not lower, than \$10.25, so there will be no reduction on that account either.

The first five-year period after the effective date of the settlement agreement does not end until next spring, so it is not yet time to compare actual vs. projected new meter growth for possible surcharge reduction purposes. But GLE counsel informed me that so far the actual

growth rate has been substantially below the projected rate of 4%, so no reduction can be expected there either.

The other area of concern is the use of the BI generating units to send power "off-Island" to other Wolverine Power customers. Paragraph 11 of the Settlement Agreement states that Wolverine will compensate GLE "for the value of available dispatchable generation resources based upon having dispatch rights to the remote units, and then, whenever the units are actually called upon, make additional payments to cover the variable O&M." If and when such payments are made, however, they do not redound to the special benefit of BI customers, because Paragraph 11 further provides that: "Since all of Great Lakes' customers are paying the costs of this generation on Beaver Island, Great Lakes will apportion and pass on these benefits/savings to all of its customers in its respective PSCR or other cases(s)." Thus no BI-specific relief is in prospect on this point either.

In light of all this, Beaver Island customers have no special claim against GLE before the MPSC, and we should not encourage our members to think they do. This is not to say that we should not express ourselves in rate determination hearings, but we must do so with the understanding that our interest and/or rights in such matters are no greater than those of any other GLE customers.



B I P O A
M e m b e r s h i p A p p l i c a t i o n
 Beaver Island Property Owners Association

New Member Renewal Update Address

* 2005 Dues: \$20.00 *

Your Name: _____

Island Address: _____

(Address Line 2): _____

City: _____

State: _____ Zip: _____

Telephone: () _____ Fax: () _____

E-mail Address: _____

Mailing Address (if different than above)

Your Name: _____

Address: _____

(Address Line 2): _____

City: _____

State: _____ Zip: _____

Telephone: () _____ Fax: () _____

E-mail Address: _____

- I would be interested in serving on a committee.
 I would like to help with the annual meeting.
 I would like to help with special projects:

Please Mail with your Membership Dues of \$20.00 to:

Beaver Island Property Owners Association

Box 390

Beaver Island, MI 49782

Michigan Court of Appeals Publishes Opinion on Shoreline

A Michigan Court of Appeals' published opinion reaffirms rights regarding ownership and use of the Great Lakes shoreline. At issue in *Glass v Goeckel* was the right of someone to walk along the Lake Huron beach in front of private property. In the decision, the Court overturned an Alcona Circuit Court decision which ruled that the public could walk across the shore in the area between the ordinary high water mark and the water's edge.

The Watershed Council has 25 years of experience and interest in riparian law and has been providing advice to shoreline property owners throughout our existence. The Court's ruling is consistent with our understanding of riparian rights on the Great Lakes. Most shoreline property owners realize how fortunate they are and don't mind folks walking on the beach in front of their property. However, it is important for beach walkers to know that unless you are in the water, you are technically walking on land for which the shoreline owner has exclusive use.

This "exclusive use" concept can be confusing. The Great Lakes are dynamic—with changing water levels, moving sand, and shifting vegetation. During low water levels, the Great Lakes recede and expose land that is under water during high levels. Although just who owns title to this land and who can access this land has been hotly debated, the decision is consistent with previous rulings. The Court's ruling is exactly the same as then-Attorney General Frank Kelley ruled in 1978. However, the *Glass* opinion did not clearly articulate the state's interest in regulating resources along the shoreline and the public trust doctrine and we would support clarification by the Supreme Court if the decision is appealed.

In simple terms, the State of Michigan "holds title to land previously submerged" (which is commonly referred to as the land below the ordinary high water mark (OHWM)) for the reason of protecting the public's interest in the Great Lakes. However, the state's title is subject to the riparian owner's exclusive use of the Great Lakes bottomlands when the water recedes, including the right to bar trespass to the public. So, the public's



right to navigate and the riparian's right to bar trespass move with the water, but the state's title stays firm.

It is important to note that this ruling has nothing to do with regulation of Great Lakes coastal wetlands. Some shoreline property owners have claimed that the state has no right to regulate so-called beach-grooming activities in Great Lakes coastal wetlands. This case clarifies the exclusive use rights of the riparian landowner. These rights do not include doing anything that could impact navigation when the water comes back, or tearing up vegetation or moving sand around without appropriate permits or compliance with the law while the water is low.

So, what does this mean when you take your kids to the Great Lakes shore this summer? If you want to walk the beach beyond the access point, park boundaries, public land, or your own shoreline property, understand you are walking on public trust bottomlands of which the adjacent shoreline owner has exclusive use. Technically, if you are on the sand, you are trespassing. If you are in an inch or deeper of water, you are in public waters and can walk as far as you like.

We are fortunate to be surrounded by the global treasures that are the Great Lakes. Walking along the Great Lakes shoreline is a long-held Michigan summer tradition that we hope will continue. We encourage shoreline property owners to share the magical experience that comes with being intimately close to the Great Lakes by allowing folks to walk along the shoreline. At the same time, we urge beach walkers to be respectful of private property and the Great Lakes environment by treading lightly on both.

*The article is reprinted with permission from **Current Reflections**. Jennifer Gelb, Water Resource Specialist with Tip of the Mitt, has been very helpful in assisting us with invasive species information and other handouts that can be obtained in the BIPOA library section. Jennifer plans on visiting the Island next summer and strengthening ties here. She can be reached at (231) 347-1181 ext. 112.*

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Regulating water use in the Great Lakes:

The Great Lakes Basin Water Resources Compact and the Great Lakes Basin Sustainable Water Resources Agreement

With the majority of United States citizens moving to regions of the country already experiencing water shortages, and the world population growing at an unsustainable rate, fresh water has become an issue of increasing importance. The Great Lakes contain 20% of the world's fresh surface water, surpassed only by the polar ice caps in the amount of fresh water they can provide. It is only natural that increasing pressures on existing water supplies would lead many to look toward the seemingly inexhaustible water resources that the Great Lakes hold. However, while the Great Lakes appear to contain a limitless supply of fresh water, only 1% of that water is renewable. The remaining 99% is finite and once gone, can never be replenished. The Great Lakes Basin Water Resources Compact is a proposed legally-binding compact between the eight Great Lakes states that would protect the waters of the Great Lakes from the increasing threats of exports and diversions and from overuse of water within the basin. It is a culmination of almost a century of water use agreements.

History of Great Lakes Water Use Agreements:

The first water use agreement between the US and Canada was the Boundary Waters Treaty of 1909. It was primarily a mechanism to resolve disputes along the boundary and transboundary waters of the Great Lakes. The International Joint Commission

(IJC) was formed as a result of this agreement, and is the two-nation body responsible for maintaining the terms of the Treaty. The IJC and the Boundary Waters Treaty are still important forces today in the protection and regulation of the quantity and quality of the waters of the Great Lakes.

In 1985 The Governors of the eight Great Lakes states (Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, Wisconsin) and the two Canadian provinces (Ontario and Quebec) initiated the Great Lakes Charter. The Charter was a good faith agreement between the states and provinces in response to increasing concerns over the health and sustainability of the Lakes and was designed to provide protections based on preserving the integrity of the Basin's natural resources and ecosystems. It is a non-binding, hand-shake agreement that lays out standards for regulating water use within the basin and was the foundation for the next water agreement, the Annex 2001.

In 1998 a company called the Nova Group, applied for a permit from Canada to pump 156 million gallons of water per year from Lake Superior to Asia. The Ontario Ministry of the Environment granted the permit. It was then that people began to realize that there were no legally-binding laws to protect our water from being exported and diverted to other countries. The permit was perfectly legal. In response to the public outcry, the permit was cancelled and a

study was begun on the current laws available to protect the Great Lakes. It was found that current laws do not protect our waters from export and overuse. International agreements, such as the Boundary Waters Treaty and the Great Lakes Charter, are weak and not enforced; existing federal law, the Water Resources Development Act, is vulnerable under due process and trade laws like NAFTA and GATT; and state laws are inconsistent or non-existent. New, legally enforceable laws were needed to protect the Great Lakes.

On June 18th 2001, the Great Lakes Governors and Premiers reaffirmed their commitment to protect the Great Lakes by signing an addendum to the Charter, the Great Lakes Charter Annex. The Annex outlined further principles for the protection of the Great Lakes, including a plan to develop a legally-binding compact by 2004. The Charter Annex contains three precedent-setting principles. These principles seek to establish a new level of standards that would not only protect, but also improve the waters of the Great Lakes.

Key Annex Principles

- Every new project must include all reasonably feasible water conservation measures.
- No new project can cause significant harm—individually or in combination with other projects.
- Every project must be designed to actually improve our waters—avoiding harm is no longer enough.

Threats to the Lakes

Over the years, these water-use agreements have evolved. What began as a general treaty between the U.S. and Canada to settle disputes between international Great Lakes waters has now developed into a need for legally-binding standards and protections that will protect the Great Lakes from the ever increasing threats of overuse and mismanagement of our fresh water supply.

- Michigan, the only state almost 100% within the basin and bordered by three of the five Great Lakes, is even now experiencing water shortages due to unsustainable and unplanned use of out waters. In Monroe County, unregulated water use has brought about drought in a region previously untroubled. Large rock quarries were allowed to come in and pump Monroe's groundwater at an unsustainable rate and now residents are faced with the challenge of their wells running dry.
- Waukashau, WI has pumped its groundwater to such an extent that the flow under the ground has actually been reversed. Water is actually being sucked out of Lake Michigan instead of being put back in!
- The Nova group is not the only company to propose the shipping and selling of Great Lakes water out of the basin. History names a string of bandits, including a proposal in 1959 to ship Great Lakes water to Saskatchewan, Southern U.S., and Mexico and one in 1983 to construct a 400 mile concrete canal from Lake Superior to the

Missouri River.

As water becomes scarcer in other parts of the U.S. and the world, the Great Lakes are sure to be prime targets for quenching everyone's thirst, making the implementation of binding regulations and standards to protect the Great Lakes an issue of eminent importance.

The Governors and Premiers are currently working to develop a legally-binding compact to protect the Great Lakes through the creation of the Great Lakes Basin Water Resources Compact and the Great Lakes Basin Sustainable Water Resources Agreement.

Where we are today: *The Great Lakes Basin Water Resources Compact and the Great Lakes Basin Water Resources Agreement*

The draft Great Lakes Basin Water Resources Compact is a proposed legally-binding compact between the eight Great Lakes states based on the key principles of conservation, no harm, and improvement outlined in the Annex. It would protect the waters of the Great Lakes from the increasing threats of exports and diversions and would regulate harmful water uses within the basin to ensure a healthy and safe water supply for future generations. Its companion piece, the draft Great Lakes Basin Sustainable Water Resources Agreement, is a non-binding agreement between the United States and Canada that contains similar standards as the draft Compact and would increase international coop-

eration on the protection of the Great Lakes.

The Council of Great Lakes Governors, along with the Canadian Premiers, have been working to develop these new safeguards for the Great Lakes. The draft documents underwent a 90-day public comment period from July 19, 2004 to October 18, 2004, and will now return to the Council of Great Lakes Governors for further negotiation before being released to the state legislatures for approval.

Comments are still being accepted and may be submitted to: David Naftzer
Council of Great Lakes Governors
35 E. Wacker Dr. #1850
Chicago, IL 60601
Or email: Annex2001@cglg.org
For more information on this issue and to view the draft documents go to www.speakongreatlakes.org or call the National Wildlife Federation at 734-769-3351.

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Beaver Island's Natural Beauty Roads

Issues regarding Natural Beauty Roads surfaced at various meetings this summer. Jim Haveman, a property owner here on Beaver Island and Project Coordinator for the Conservation Resource Alliance agreed to assist in clarifying several questions with this article.

A recent article in the *North Woods Call* entitled "Beauty Roads Law Forgotten" prompted some interest regarding their management on Beaver Island. This article noted some interesting facts as follows:

- Michigan's landmark Natural Beauty Road law is 34 years old.
- Although the Michigan Department of Natural Resources (MDNR) Natural Heritage Program has forms and guidelines on the law, there is no process to follow up on the designation and no current data available on the number of miles in the state and their location.
- The actual designation is strictly up to the road commission and they are not required to inform the state of its actions.
- It appears that at its peak, five years ago, the program had 109 designated roads, with 212 miles in 28

counties.

- The law allows grading and plowing to continue at pre-designated levels, while protecting existing vegetation.
- Though viewed as a sprawl-reducing land use tool, the law has not been effectively promoted for this use.

According to Pat Harmon, Manager for the Charlevoix County Road Commission (CCRC), Beaver Island has one designated Natural Beauty Road with recent interest on another. West Side Road, from the township airport, on the north end, to the lighthouse on the south end, was designated a number of years ago. Harmon did not check the records but he felt it was designated sometime in the mid 1980s. A year or so ago, he noted, the township contacted him regarding the designation of Mrs. Reddings Trail for the program. At that time there were some "safety issues" that both parties felt should be addressed before the designation was pursued. Harmon stated that, "those safety items have been addressed" and he "expected that a request would be made for Natural Beauty Road designation on this road." Harmon

also felt that there was good support on the Island for the program.

Harmon did mention that there has been some confusion over the legality of cutting trees by private landowners within the 66 foot (33 ft each side of center line) road right away. Harmon stated, that according to the attorney for the CCRC, "the Natural Beauty Road law does not apply to the private property owner's use of the road right away." Harmon noted that the road commission has an easement for the road but legally, "the landowner still owns the property to the centerline of the road." Further, he said, "the road commission always gets written approval from a landowner prior to cutting trees on the road right-of-way."

This past summer a number of acres were logged adjacent to West Side Road. To the credit of the landowner and logger, it appeared that no trees were cut on the road right-of-way. This has not, however, always been the practice on the Island. For more information on the Natural Beauty Roads program contact the MDNR's Natural Heritage Program at (517) 373-1263 or call your local road commission office.

2004 Beaver Island Election Results

In the November Election, 213 of the 256 registered voters voted in Peaine, and 227 of the 281 registered voters voted in St. James. In Peaine, 59 voted straight Republican, and 40 straight Democrat. In St. James, 40 voted straight Republican and 44 straight Democrat. The Bush/Cheney ticket won with

106 votes to Kerry's 103 in Peaine, while in St. James, Kerry/Edwards won with 127 votes to Bush's 95.

For Congress - 1st District, Bart Stupak led in both townships (128 to 75 in Peaine and 158 to 55 in St. James.) For the 105th District, Kevin Elsenheimer won 104 votes to Jim McKimmy's 102, while in

St. James McKimmy won 111 to Elsenheimer's 100. Both candidates visited the Island to talk with Island voters in the month preceding the election.

For prosecuting attorney, John Jarema, who had beaten fellow republican Mary Beth Kurr in the primary, won easily with 122 votes

The Natural Beauty of Beaver Island Reprinted from the Summer 2001 newsletter.

No one would deny that those six words describe the most important feature of this Island. That fact has been recognized by a State Law: The Natural Resources and Environmental Protection Act of 1994. It's just as direct as its title, and it leaves a great portion of the administration and enforcement of its purposes to City and Township Governments – the kind of law Beaver Islanders like best!

The NREPA law identifies the importance of our beautiful native trees, plants, grasses, and flowers to the Island beauty and the enjoyment of Islanders, their guests, and Island visitors, and provides methods, procedures, and legal recourse for the protection and preservation of these resources.

Specifically, a Township, Village, or City may, at the request of 25 or more of its citizens, petition their local government to designate a road or street as a Natural Beauty Road (or Street). A public hearing shall be called (following public notices and a local newspaper announcement) to discuss the request. If the sentiment of the citizens is in favor of the Natural Beauty designation, the local gov-

erning body (Township, in our case) shall vote on the request. If affirmative, the approval decision shall be filed with the Clerk to establish the subject property or properties as Natural Beauty Road(s).

Beaver Island already has one such designated Road: West Side Road, from the Township Airport to Iron Ore Bay. This beautiful roadway is a proper example of the purpose and legal protection of the NREPA Law. A short time ago, notice was given to Peaine Township of an apparent violation of the Law. Investigation revealed that it was inadvertent, and not a serious violation. The property owner wrote the Township an apology, and praised the Law's protection, which settled the matter.

The main restriction that protects the natural growth of trees and plants is that trees and plants within specific distances from the roadway may not be disturbed by cutting, pruning, spraying, mowing, trenching, or other disturbances of natural growth, without specific permission from the Township Board after holding a public hearing on the matter.

The Law also provides for spe-

cific conditions of maintenance of designated roadways by both the Townships and individual property owners on such roadways, and specific penalties and punishments are provided for violation of the NREPA's provisions. Petitions signed by five or more freeholders of a Township, or freeholders representing 10% or more of the frontage of a designated road or street, may file a petition with local authorities to seek an injunction against violators of the NREPA's guidelines or procedures, and civil fines of up to \$400 may be leveled against violators.

Beaver Island has many other roads and sections of roads deserving the protection of this Law. The first step is for 25 citizens to request a hearing to get Township designations for such roads. If the sentiment of the petitioners' neighbors is earned, the Township Board can add them to those already protected. The more the better! And affected property-owners may even find that such designation increases the value of their property, as well as increasing the beauty of the Island.

–Submitted by Peaine Township

in Peaine (vs. the Green Party candidate Ellis Boal's 30, who had also visited the Island and run in the Boodle) and in St. James with 127 (vs. Boal's 27.)

Peaine's Operating Millage was approved 137 yes to 66 no (it had been defeated in the primary which was thought to be due to misunder-

standing) and St. James voters approved Proposal A (Township Operations) 124 to 76, Proposal B (Airport Operations) 122 to 74, and Proposal C (Transfer Station Operations) 141 to 58. Township officials ran unopposed for the available seats (including LoDico and Welke who won in the primary for

the two Peaine Township trustee positions.)

On a side note, on Proposal 2 to amend the state constitution to limit marriage to one man and one woman, Peaine voted yes 109 to 97, while St. James was reportedly the only precinct in Northern Michigan to vote against it 112 to 99.

New Committees Forming

We are looking for individuals who are willing to take on one of two proposed projects.

The first suggestion was a dinner prior to our annual meeting at the end of July. It was brought to our attention that we work too hard on projects and seldom have just free time to enjoy our Beaver Island neighbors.

The second project is the development of a cookbook. This cookbook could be beautifully illustrated and feature recipes that would be treasured for years. Proceeds would be applied to future Island projects.

If either of these strike a spark of interest, please contact one of the board members listed on page 7.

Ground Water Protection

Filling the Gaps: Environmental Protection Options for Local Governments by Katherine Ardizzone and Mark Wycoff is available at www.michigan.gov/deq or by calling (517) 335-5168. The local government packet is for master plans and zoning, but individuals may find the information useful too. Note also the information regarding secondary or abandoned wells.

We want to hear from you

The goal of the BIPOA newsletter and website is to promote greater communication between all Island property owners. We welcome opinions, stories, informative articles, or issues that you feel would be of interest.

The Deadline for the Spring Newsletter is April 15th, 2005; the earlier we receive stories to include, the better.

Please submit all articles or comments to: Pam Grassmick either via fax number (248) 489-1263 or from our web site: beaverisland.net/bipoa

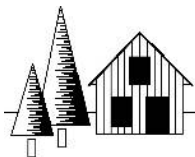
Moving? Please Keep Us Updated

Anytime that you do not receive your BIPOA newsletter, there is a reason. The most common is that either you moved and did not notify us, or that your dues were not paid and we had to

remove your name from the mailing list.

We have received several newsletters back over the past year with no forwarding address. If you would clip off your name from the

address area and return it to us when you are moving, we will attempt to get the newsletter off to you promptly. You may also e-mail us via the BIPOA website: www.beaverisland.net/bipoa



B I P O A

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