

ELK-SKEGEMOG LAKES ASSOCIATION (“ESLA”) BOARD MEETING

September 19, 2019

BOARD MEMBERS PRESENT: Ruth Bay, Bob Campbell, Jan Garvey, Dean Ginther, Andrew Hogarth, Mary Beth Kazanski, Bob Kingon, Sue McCraven, Brenda Miller, Pat Pierce, Nancy Schreiber, Phil Spangenberg.

BOARD MEMBERS ABSENT: Don Bonato, Gary Chenowith, Dale Claudepierre, Ken Krentz, Dave Lawicki, Jim Sack

Mary Beth Kazanski, ESLA Board President, called the meeting to order at 10:00 am.

PRESENTATION

Mary Beth introduced Claire Lowe, of the Water Resources Division of the Michigan Department of Environment, Great Lakes, and Energy (“EGLE”), formerly the DEQ. She spoke on behalf of her colleague, David Walters, also of the EGLE Water Resources Division. Dave Walters was on vacation.

Andy Hogarth explained that part of ESLA’s shoreline *E. coli* sampling, on the west shore of Spencer Bay, showed very high *E. coli* concentrations discharging to Elk Lake from a creek. Further sampling identified high *E. coli* concentrations in the creek from the shoreline west to the upstream side of Elk Lake Road. Creek water was an odd pinkish-red color with yellow foam on the surface in some locations. This creek drains a wetland adjacent to fields used by Burnette Foods to spray-irrigate food processing wastewater from their Elk Rapids plant.

Andy contacted the EGLE to investigate.

Claire stated that as a result of ELSA’s discovery, Dave Walters conducted a site inspection of the Burnette Foods operation, the spray irrigation fields, and creek. As a result of that inspection and the company’s own monitoring reports, EGLE issued a Notice of Violation citing the company for a variety of violations of their Groundwater Discharge Permit. These violations included the unauthorized discharge to surface waters, violations of permit effluent limitations, and reporting violations. The Notice required a written response including a plan for corrective action.

Michael Jones, of the Health Department of Northwest Michigan, said he would follow up with the property owners where exposure to the high *E. coli* concentrations is possible to assure that they are properly notified of the potential health hazard.

The ensuing discussion involved the following topics; Water ponding in the treatment field and runoff into the wetland, discoloration of the water (pink and/or red), previous history in the 1990s for similar violations, possible source(s) of the *E. coli*, Burnette Foods’ self-monitoring processes, current high level of ground water at this time, monitoring responsibilities, recent violations, significant improvements from previous years, possibility of involvement Attorney General, and notification of residents as to the risks.

Claire pointed out that data about the plant and its permits and violation history is available as a public record online. Andy will continue to follow up with EGLE and monitor the company's compliance.

GENERAL MEETING

The minutes of the July 18, 2019 Board Meeting were approved as written with the following exception: Under NEW BUSINESS – *Watershed Center GT Bay proposal to establish the Elk River Chain of Lakes Watershed Coordinator position* – Replace the portion beginning with “Since TOM does not have a master plan” to the following – The TOM Watershed Council is working on an ERCOL Watershed Management Plan. Bob Kingon stated that he would work with TOM Watershed Council to discuss the status of the development of the plan.

TREASURER'S REPORT: Phil Spangenberg gave the Treasurer's report (copy attached). Phil noted the following as part of the discussion over the report; anticipates a return of 15% on the total Vanguard funds if nothing drastic occurs, holdings in the Vanguard funds are approximately 60% equities/40% bonds, projects have consumed a significant portion of the cash holdings in 2018 and 2019 meaning we may have to dip into the Vanguard holdings in the future, Paypal is refusing to release funds currently held due to a question of ESLA's physical address. Phil will work to correct this. Phil indicated that the budget for 2020 will be presented at the next meeting.

At this point Mary Beth realized a riparian who lives on Elk Lake had asked to speak at the meeting. She introduced Fred Gulick, 10220 East Elk Lake Drive. Fred indicated that he was very concerned that ESLA had not notified all of the riparians on our lakes about the permits issued to Milton Township to build the new public beach on Elk Lake in Kewadin. He also expressed concern that ESLA riparians were not informed about the Milton Township Ordinance that requires riparians who alter shorelines to create a 25-foot greenbelt at the shoreline. In Gulick's opinion this ordinance language prohibits landowners from utilizing 80% of their property and that is a taking without compensation by the Township. Fred was very outspoken about ESLA's failure to notify.

In the ensuing discussion the following points were raised: Mary Beth indicated that Fred brings up an important point that we should find a way to communicate this type of information. As our lakes have three counties, four townships and Elk Rapids Village, we may need to find a better way to be alerted about permits required by the many different government organizations. Mary Beth handed this issue to the Communication Committee. Bob Campbell indicated that the Government Relations Committee should handle it but that committee seems to have fallen to the wayside. Brenda noted that all the permitting information could be sent by email to our website. Bob Kingon agreed to contact the Gaylord office of EGLE to be sure that they had the correct Post Office Box address for ESLA.

MEMBERSHIP REPORT: Brenda announced that we currently have 502 members and that fortunately more of them are at the higher levels. Brenda stated that the “reminder letter” has not been sent out yet. This letter is sent to members who paid in the last two years but haven't paid for the current year. Brenda anticipates membership will increase by approximately 50 members once the reminder letter is

distributed. There was discussion involving whether we should raise the low rate above 25 dollars and whether we should segregate funding for our Swimmers Itch efforts from the ESLA membership. No resolution reached on either of these issues.

COMMUNICATION COMMITTEE: Bob Campbell noted the upcoming It's a Shore Thing on Friday, September 27th. The topic is the reef restoration that been underway for 3 years to rebuild the White Fish reef off of the Elk Rapids Lake Michigan shoreline. He noted that at one time that reef was the largest White Fish reef in Lake Michigan. Topics for future events include Heather Hettinger (DNR Fisheries biologist), blue/green algae, aerial surveillance, Chain of Lakes water level, Milton Township new beach park, and another Grand Traverse Conservancy presentation.

FINANCIAL COMMITTEE: Dean Ginther stated there was nothing to report at this time.

SAFETY AND RECREATION: Pat Pierce stated that he had made a mistake in how he installed an anchoring system for the No Wake sign. A motion was passed to spend \$150.00 to buy parts for the repair. Pat also told the story of a Torch Lake boater who contacted him begging for reflector lights all along the Torch River channel into Skegemog Lake. Discussion ensued around the responsibility for marking the channel. The DNR or the Sheriff Department should ultimately be responsible for formal channel markers. However the board agreed to install additional stump reflectors. A motion was passed to spend \$230.00 to buy the new reflector lights.

ENVIRONMENTAL COMMITTEE: Andy Hogarth asked that the contract for our summer intern, Sam Krause, be extended until November 15th. The *E. coli*/Burnett Foods discovery caused a delay in their other testing and monitoring efforts. A motion was passed to extend her contract until November 15th.

Jan Garvey provided an in-depth update on the Purple Loosestrife invasive plant identification and treatment (see attached). She recommends continuing the program next year and is hoping to share the costs again with CAKE CISMA in 2020. Jan will start to secure the written reparian permission during the winter season. Jan also circulated a very informative map of the areas where the plant invasive species has been identified

ERCOL-WPIT: The area water trial continues to be expanded with sites now on Elk and Skegemog. Mary Beth also reported that blue/green algae has been reported on Intermediate Lake. The group has requested information from TOM as to what action needs to be taken regarding reporting, sampling, and warning reparians, etc.

TIP OF THE MITT WATERSHED COUNCIL ("TOM"): Bob Kingon noted that the Shoreline Survey conducted for 15 lakes in the Elk River Chain of Lakes during 2016 and 2017 has now been completed. It is available online and Bob will send us the link to access it. Bob indicated that the survey is very comprehensive and provides a wealth of information for all reparians. Mary Beth is contacting the Tip of the Mitt to arrange for a representative to present the results of the survey at our December or Spring meeting. Bob indicated that it might be possible to phone in to listen to this presentation and/or see the slide presentation remotely.

Bob provided an update on the TOM efforts in regard to the Enbridge Energy Line 5. Bob noted that the TOM Watershed Council has a great amount of information regarding Enbridge Energy available online and their current efforts to build a tunnel under the Straits of Mackinaw. Bob noted that the pipeline travels through large areas along the US 2 north Lake Michigan shoreline in the Upper Peninsula and many lakes near us in the upper lower peninsula.

OLD BUSINESS

SWIMMERS ITCH: Sue McCraven noted that 4 broods of merganser ducks have been relocated from our areas.

Jan Garvey reported on a Swimmers Itch placard that was developed in collaboration with Three Lakes Association and Intermediate Lake Association and ESLA. This placard can be handily stuck on members' refrigerators. There was general agreement that this placard should be included in the ESLA Spring Newsletter.

Mary Beth noted that we are awaiting lab work results from Fresh Water Solutions. Andy responded that the results for the summer's testing and monitoring are not yet available.

Mary Beth noted that the researcher from Canada would be giving a presentation along with the Three Lakes Association and that members from ESLA would be attending.

RUGG POND UPDATE: Mary Beth reported news from the recent ERCOL WIPT meeting that an anonymous donor had made a \$10,000 contribution to conduct a sediment analysis study. The Kalkaska County needs to agree to the work being done.

WATERSHED CENTER PROPOSED POSITION: Mary Beth relayed to Christine Crissman the questions that arose after her presentation at our last meeting. She noted the concerns expressed by the board about what this position will do in terms of interacting with TOM. She indicated that the position was never meant to override the TOM. No further action is required.

NEW BUSINESS

KALKASKA COUNTY SEPTIC POINT OF SALE INSPECTION: Mary Beth explained that the Kalkaska County Board removed the Septic Tank point of sale inspection requirement. They want this requirement to go through the townships only. Clearwater Township is meeting tonight about this issue and the expectation is that they will send it back to the county level.

REFLECTORS ON THE RIVER INTO SKEGEMOG: This topic addressed earlier on the Safety and Recreation Committee report.

ERCOL HYDROLOGY STUDY: Mary Beth noted that the Antrim County Board will be meeting September 19th to vote on the issue of funding an area hydrology study. The county is being asked to pay an approximately \$77,000 portion while the Army Corp of Engineers, who will be doing the study, will pay

the remaining \$250,000. This study will benefit the entire watershed. Mary Beth indicated that she would be attending an Antrim County board meeting to voice ESLA's support for the study.

NEXT MEETING: December 19, 2019

MEETING ADJOURNED 12:20 PM

Submitted by Correspondence Secretary, Nancy Schreiber