



# FoCL

## Friends of Clam Lake

Spring 2018

[www.friendsofclamlake.com](http://www.friendsofclamlake.com)

### President's Message

Lake ice was slow to retreat this year after a consistently cold and persistent winter. The Clam Lake DNR boat launch finally cleared of ice Saturday April 21 but Lake Bellaire remained ice covered several days past the opening of the 2018 fishing season.

After snow in most people's backyards had melted away, the area was pummeled by what local newspapers called an epic snow storm with high winds, beginning on Friday April 13. Downtown Bellaire was turned into a ghost town after a power outage that lasted much of the weekend. Extreme winter weather ruled for more than three days and the over one foot of heavy snow and ice which came down did not start melting again until the following weekend. The additional snowfall and persistent lake ice, combined with rapidly rising temperatures, resulted in the highest water levels seen on Clam Lake in recent years.

The late winter weather also impacted local wildlife. Broad shouldered hawks returning to the area were forced into backyards after the large expanses of open field and grasslands they feed in became inaccessible. Snow covered robins were seen huddling in groups on tree branches. Loons returning to Clam Lake found open water at the East end but placement of the artificial nesting island and buoys was delayed by three weeks.

Thankfully, that winter blast is now just a memory and people are starting to enjoy Clam Lake for another season in this beautiful area. As families begin to enjoy the open waters of Clam Lake again, please remember each of us has a stewardship responsibility to preserve and protect this great resource. FoCL will continue to serve and assist residents and visitors who want to reach out and do something positive for the Clam Lake environment. Renew your membership today and consider joining the board or becoming a volunteer, we can really use your help.



Snowy Owl on Clam Lake

### Bellaire Municipal Waste Water Treatment

Municipal waste treatment is thought to be superior to distributed residential septic systems because excess nutrients can be removed before effluent is released to the environment using methods that are not practical with residential systems. When these nutrients are removed they accumulate as sludge at the bottom of sewage ponds. After years of build up this material which contains concentrated levels of nitrogen, phosphorus and certain chemicals, must be disposed of someplace. If suitable agricultural fields are located nearby, land application is usually the lowest cost method of disposal and can offset farm costs for commercial fertilizers. This was the case last November when the Bellaire Waste Water Treatment Plant moved over 3 million gallons of sludge by tanker truck and distributed it on just under a hundred acres of agricultural property a few miles north of Lake Bellaire. This process is permitted by the State of Michigan and the quantity applied must be matched to agronomic needs. Sludge which has been tested and meets requirements for land application is referred to by the industry as a biosolid. Biosolids are injected in furrows

or otherwise incorporated into the soil after application to reduce odor and limit the chance that nutrients join



**Location of biosolids application**

storm water runoff. Land application is common practice in Michigan but that does not address all concerns. Every agricultural property is part of a watershed and every watershed is different. In this case, the nearby headwaters of Grass Creek, which flows into the north arm of Lake Bellaire, could become a conduit for surface runoff after a storm. Biosolids contain many nutrients which are vital to plant growth. However, when a sufficient quantity is applied to meet the agronomic need for nitrogen, there is often an excess of phosphorus deposited in forms unavailable for plant use. Most excess nutrient is sequestered by the soil but smaller quantities can join storm water runoff or leach into groundwater. Phosphorus is typically the nutrient of greatest concern in aquatic ecosystems because it is in shortest supply in the natural environment. Even small quantities which get into surface water can result in aggressive algae blooms. Water quality in Grass Creek is currently being monitored by Three Lakes Association to be certain that spring rains do not move nutrients away from the areas of application.

### **New Boat House Construction Permit**

Lakefront property owners enjoy exclusive rights to bottomlands adjoining their property. For the most part, these rights are not defined by codified law but instead have been established by the courts in civil

cases. Among these rights are such things as maintaining a dock, swim area, swim raft, boat hoist and mooring a boat. They are exclusive rights for property owners with one provision, exercising them may not interfere with the basic public uses of the lake or pose a detrimental environmental impact. Certain expressions of these rights require a permit from the Michigan Department of Environmental Quality. At times, that puts the State in the position of balancing between the rights of a particular property owner and the public at large. This happened recently on Clam Lake where a property owner twice submitted permit applications for construction of a new boat house waterward of the shoreline and twice was denied a permit. The first permit application was submitted in 2014. After a comment period which included a locally held public meeting, the MDEQ denied issuing a permit but was then forced to entertain a contested case brought by the applicant. Contested cases against MDEQ decisions are not open to public review, so the arguments made by the parties and the path taken toward reaching agreement, are unknown. The end result, however, was clear. The denial of the permit for new boathouse construction was upheld but the applicant was allowed to construct a large permanent dock system even though those docks had never been part of a permit application. FoCL went on record with the MDEQ saying we are dissatisfied that contested cases are not open to public review and that construction of new boat houses or similar structures along riparian shorelines has both detrimental environmental and aesthetic impacts. A year later the same property owner applied for a permit to construct covered boat storage using a large portion of the newly permitted and installed dock system as the support structure upon which to build. This application was also denied and the applicant again filed a contested case which was scheduled to be heard by a judge in Traverse City in May. Last month, FoCL was informed by the office of the State Attorney General, which represented the MDEQ, that the applicant had unconditionally withdrawn the contested case.

### **Septic System Legislation Introduced**

In April, legislation aimed at creating a statewide septic code and mandatory routine inspection for existing systems was introduced in the House Natural Resources Committee. Residential septic systems in Michigan are currently overseen by a conglomeration of regional

health departments. House bills HB5752 and HB5753 would require the development of a statewide septic code under the responsibility of the Department of Environmental Quality. Area lake associations, Tip of the Mitt Watershed Council and the Watershed Center Grand Traverse Bay support the establishment of a statewide septic code and additional oversight of existing systems. The fate of this proposed legislation is unclear. For one thing, there is no source of funding identified to implement a new statewide code. Currently, regional codes focus primarily on construction permitting. New installations, system expansions and replacements must conform to the latest revision of the district septic code. However, after commissioning, the code does not strictly apply to ongoing operation of the system and existing installations are not required to be brought into compliance with future code revisions. Where local jurisdictions call for inspection of existing systems, the ability to condemn is based primarily on detection of overt threats to human health or the environment rather than details of system configuration or performance. The proposed legislation does not appear to change this basic functioning of septic codes.

### **Grass River No Wake Signs**

In March, FoCL submitted a permit application to the Department of Natural Resources on behalf of Grass River Natural Area, which was approved. The permit allows for installation of permanent wooden posts on which to secure new signs, purchased by GRNA, that carry their new logo. An additional post and sign will be installed at a new location somewhere between Cold Creek and Shanty Creek. FoCL intends to cover the contractor cost for post installation and provide volunteer labor. Costs have not yet been solicited and will require board approval.

The entire Grass River, from Lake Bellaire to Clam Lake is designated as a no wake zone under the "100 foot rule" for boat operation. At a distance of 100 feet or less from any shoreline, dock, swim area, swim platform or another boat, boat operators must proceed at a slow no wake speed. There is no point where the Grass River channel is greater than 200 feet wide. Slow no wake speed means a boat must be operated at the slowest possible speed at which the operator can maintain positive control of the vessel.

### **Loon Update**

Permits have been renewed for two boating advisory buoys at the East end of Clam Lake adjacent to Grass River Natural Area property. The buoys bright orange markings make boaters aware they are approaching a nesting area for common loons which includes a small floating platform called an artificial nesting island (ANI). Buoy placement is controlled under permits issued by the Department of Natural Resources Law Enforcement Division. Naturalist Damon McCormick of Common Coast Research obtained the permit renewals for designated loon nesting areas on Lake Bellaire and Clam Lake. FoCL sponsored the purchase of the Clam Lake buoys and our volunteers have been maintaining them and the ANI since around 2007.

This year the first common loons arrived on Clam Lake at the end of March while many other area lakes were still solidly frozen over. Within a couple of weeks, a pairing established territory in open waters at the East end of the lake. Loons are adept swimmers but their legs are positioned so far back in their bodies they cannot walk around on land and must push themselves short distances by sliding on their bellies. The ANI, which is located away from the shoreline, provides a terrestrial nesting site that is easy to access and is protected from shoreline predators. This year the loon pair began incubating eggs on the ANI around May 14 and will be doing so full time for at least the next thirty days. If things go as planned, one or more chicks should hit the water during the week of June 11. Boaters, canoeists and kayakers are reminded to observe the buoy placements as a guide to keeping a safe distance from the ANI at all times. When boaters approach too close to a nest site, loons leave the nest to seek cover underwater, exposing their eggs to heat from the sun and potential predation.

### **Annual Meeting**

**Save this date! The Annual Meeting will be held on Saturday morning, August 11 at 10 a.m. at the Alden United Methodist Church. Join us for coffee and yummys with registration starting at 9:30 a.m. and let us know what you did this summer at Clam Lake!**



[From our Membership Chair:](#)

To ONE and ALL: Last year you made the job of Membership Chair easy by promptly returning your membership renewals. For this, I was extremely grateful. I thank you ahead of time for repeating your timely response in 2018. Don't forget, everyone can help with membership, it begins with a conversation with a neighbor, a call to a friend or a post on social media. Please help keep FoCL going strong!

Cottie Volle

**Friends of Clam Lake**  
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FoCL is a member driven organization dedicated to the protection of Clam Lake and its environment for all to enjoy.

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**Clam Lake Memories**

