



Higgins Lake Land
Conservancy
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Higgins Lake, MI 48627

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July 28, 2023

Dear Friends of Higgins Lake Land Conservancy,

As we enjoy the peaceful relaxation of summer we reflect on the importance of Higgins Lake to our families as a place for gathering, sharing and creating memories that will last through generations. The HLLC is truly grateful for the support you have given to our mission of protecting property and conserving the environment that we all love. In appreciation we are once again hosting our annual Bar-B-Q to celebrate our successes acquiring land and creating easements around Higgins Lake. Please join us for food, refreshments and entertainment at scenic Birch Lodge (8122 W Higgins Lake Drive) Friday, August 25 at 5:00 pm. Please be sure to send in the enclosed RSVP form to let the cook know how many in your party will be joining the celebration.

Here are the Maps of the Major



HLLC Properties and Conservation
Easements:

Proposed Septic System Ordinance for Lyon Township Residents

By Greg Douglas HLLC Director

At a Lyon Township special meeting held on June 27, 2023, the Board approved a draft of a Septic ordinance and it was sent to their attorneys to finish the legal draft for presentation to the public. The ordinance will affect all of the land owners in Lyon Township and is expected to be enacted in 2023. All properties will require inspection within 5 years. Permits for pumping and inspection will be required in order to monitor compliance. Data will be maintained in coordination with the State of Michigan GIS system.

Background: Lyon Township recognizes the importance of maintaining proper septic systems to avoid potential health risks and environmental contamination. With the growing population and increasing development within the township, it is crucial to establish clear guidelines to ensure the proper functioning and maintenance of septic systems.

Inspection and Maintenance: The proposed ordinance emphasizes the need for regular inspection and maintenance of septic systems. It outlines the frequency and procedure for inspections to identify any potential

issues, such as leaks or failures, which may compromise the system's functionality. Timely maintenance can prevent costly repairs and protect groundwater resources.

Septic System Pumping: The ordinance stipulates the frequency at which septic tanks should be pumped. Regular pumping removes accumulated solids and ensures proper functioning of the septic system. By adhering to the pumping schedule, residents can extend the life of their septic systems and minimize the risk of backups and failures.

Repair and Replacement: In the event of a septic system failure or malfunction, the proposed ordinance outlines the requirements for repair or replacement. It ensures that residents follow proper procedures, obtain necessary permits, and engage qualified professionals to restore the functionality of their septic systems. These regulations aim to maintain the integrity of septic systems and protect public health.

Public Awareness and Education: To promote understanding and compliance, the ordinance emphasizes the importance of public awareness and education regarding septic system maintenance. The township intends to conduct outreach programs, workshops, and provide informational resources to educate residents about best practices for septic system management.

Conclusion: The proposed septic system ordinance for Lyon Township residents addresses the vital aspects of inspection, maintenance, pumping, repair, and replacement. By implementing this ordinance, the township aims to safeguard public health, protect the environment, and ensure the efficient and long-term operation of septic systems. It is important for residents to familiarize themselves with the provisions of the ordinance and adhere to the guidelines for the benefit of their own households and the entire community.

Tip of the Mitt Interim Report

By Jennifer McKay – Policy Director Tip of the Mitt watershed Council

In 2022, Tip of the Mitt Watershed Council was contracted by the Higgins Lake Land Conservancy to conduct a literature review of studies pertinent to the proposed Higgins Lakes Sewer System and provide recommendations for the management of nutrient loading of Higgins Lake. The Watershed Council acknowledges that completion of the literature review has been significantly delayed due to substantial internal staffing changes and transitions within our organization. We greatly appreciate the patience of the Higgins Lake Land Conservancy in recognizing our organizational challenges, as well as the desire to ensure the product is scientifically accurate and thoroughly evaluated.

Based upon our current research and evaluation, the Watershed Council is offering the following preliminary results from our literature review. Higgins Lake has long been noted for its high water quality and promoted as one of the cleanest lakes in Michigan. Despite this, concerns regarding water quality and pollution have existed by property owners and lake association's members for more than 40 years.

Since the early 1970s until current date, Higgins Lake has been the subject of numerous studies regarding the overall health and management of the Lake, in addition to analyses concerning nutrient loading and more specifically phosphorus loading from septic systems. The overall preliminary conclusion based upon the literature review is that Higgins Lake is still an oligotrophic lake of high water quality. At the same time, as every lake in Northern Michigan, it has been impacted by the increase of human activity.

While a considerable number of studies have been conducted and reports developed for Higgins Lake, unfortunately, the information provided by the literature review indicates it has not been consistent, coordinated, or replicated to confirm trends in nutrient pollution. Even if preliminary data is acknowledged, there is not evidence to find causation that the primary source of nutrient pollution in Higgins Lake is due to septic systems.

The studies reviewed encompassed a time period of almost 50 years. Those studies included different methodologies for sampling, including depth, location, and time of year. In addition, some of the reports did not conduct sampling, but rather relied upon literature reviews and theoretical calculations or modeling. As a result, nutrient and phosphorus loading estimates attributed to septic systems varied greatly, from 17% - 99.6% (the 99.6% was a result of a conversion error in the report). At the same time, many studies identified a number of other sources contributing greater nutrient inputs to Higgins Lake, such as storm water runoff. It is also

important to acknowledge that many of the initial studies occurred prior to the introduction of zebra and quagga mussels, which have undoubtedly altered the lake ecosystem of Higgins Lake.

Based upon the preliminary review, the potential recommended actions for Higgins Lake to reduce nutrient pollution will include:

- Gerrish and Lyon Township pursue septic regulation ordinances. Even as a sewer project moves forward, it takes years to obtain funding and permits, develop best management practices, and finally construct the sewer system. A septic regulation ordinance can address nutrient pollution now, while conversations are still occurring regarding the potential of a sewer system.
- Pursue a septic monitoring program for Lake Higgins. While a multitude of studies have been conducted on Higgins Lake, it is recommended that a consistent, multi-year monitoring program be instituted to be able to determine if a trend exists. As well, new technology exists that can be used to identify human fecal waste. Such testing would be more conclusive than previous studies conducted.
- More information and recommendations will come in the final report.

Conservation Easement Made Easy

By William Carey HLLC Director

A conservation easement is a legal agreement that prohibits development and protects identified conservation values. Another name for a conservation easement is a nondevelopment agreement. Such agreements have been instrumental in saving many orchards in the Traverse City area from being converted into subdivisions. The imposition of a conservation easement over some or all of a parcel does not result in a transfer of ownership. The landowner remains in ownership and possession of the land over which the easement is created.

Creating a conservation easement in partnership with the Higgins Lake Land Conservancy protects land from development and may result in landowners being eligible for an income tax deduction and reduced property taxes.

To determine the potential income tax deduction for a donated conservation easement, a qualified appraiser appraises the property at its highest and best use, the unrestricted value, and then also appraises the property with the nondevelopment/conservation easement in place. The difference in value between the two appraised values may be considered a charitable donation, thereby reducing the landowner's gross income by a corresponding amount.

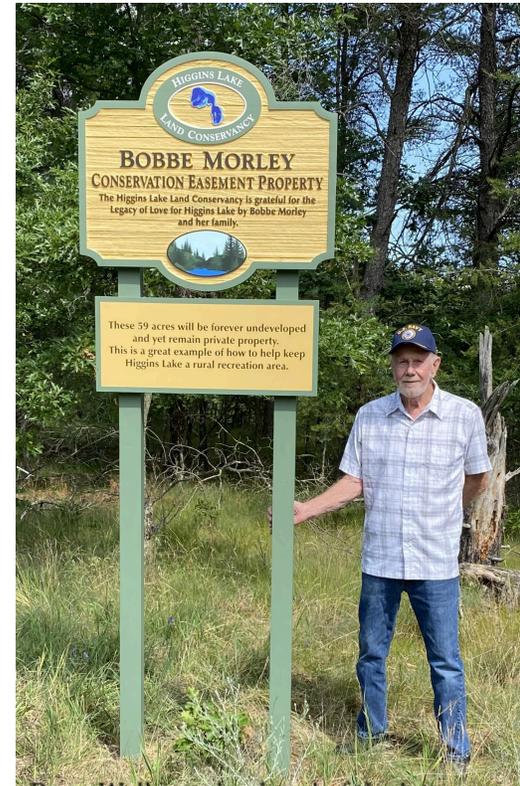
Another financial incentive to placing a conservation easement on your property is the potential to reduce the assessed value of the property. The reduction in assessed value will reduce the amount of property taxes owed on the parcel. The appraisal process referenced above may also be used to persuade the local assessor to reassess the value of the land based primarily on the fact that the land lacks development potential.

The use of conservation easements is a creative and effective tool that allows a landowner to maintain ownership and use of the parcel, but forever protect the parcel, and the Higgins Lake watershed, from overdevelopment. Anyone interested in creating a conservation easement as a means to protect the watershed is encouraged to contact the HLLC. The board of HLLC will work with you to make such an easement a reality.

Special Assessment District Update

By Jack Cornell HLLC Assistant Treasurer

The Roscommon County Commissioners have decided to set up three separate special assessment districts (SADs), which are established for taxing purposes, for the lakes in the county. The initiative was the need to fund the replacement of the dam on Houghton Lake, and while doing so, their outside attorney recommended



Doug Wallman, husband of the late Bobbe Morley, is glad to know that the 59 acres will never be developed.

that they set up SADs for both Lake St. Helen and Higgins Lake. This is unusual in that SADs are typically set up for a specific project with a defined cost, neither of which currently exists for either Lake St. Helen or Higgins Lake. In an attempt to challenge the rationale for these two other SADs, both the Higgins Lake Land Conservancy and the Higgins Lake Property Owners Association have written the commissioners opposition letters. In the case of Higgins Lake, the proposed district's boundaries are limited to lakefront property owners and those that have legal access to the lake via easements, associations and the like. These two organizations have formed a Dam Committee, comprised of two representatives from each organization, Charlene Cornell and Greg Semack from the HLPOA and Bob Frye and Jack Cornell from the HLLC.

The Dam Committee met with county commissioner Russo to express the question as to why the SAD for Higgins Lake was necessary and were told that the commission viewed the SAD as an insurance policy for when capital was needed for the Cut River dam. It appears that the majority of the commissioners are in favor of establishing the SADs for both Lake St. Helen and Higgins Lake. They have the authority to propose the establishment of an SAD without seeking supporting petitions from landowners within the proposed special assessment district boundaries. To implement the SAD, the county commissions must hold a hearing before the circuit judge. That hearing will be held on September 15, 2023, at which time public comments will be considered. If you have an interest in learning more about this new taxing authority you may want to attend the hearing on the 15th and have your voice heard.

Do Less with No-Mow Zones

By Stu Colie

Picture this: Mint groves that spread the scent of mojitos through the air on a windy day. Cedar trees dangling at drastic angles over the water's edge. Varying wild flower blooms from day to day, and from yard to yard. Milkweed with fluttering Monarch butterflies. Swooping Kingfishers. These are a few of the things that my family and I appreciate the most about our walks along Higgins Lake shoreline. How can you and I encourage this vegetation and wildlife to flourish? Do Less. Not only is "Doing Less" easier than planting seeds, watering, fertilizing (you better not!), mowing, importing sand, and repeating year after year, but also leaving a "No-Mow Zone" (or "Filter Strip") along the shore allows Nature to work its own magic. The deeper root structures of wild vegetation and tree saplings reduce erosion, filter out rainwater runoff that may be carrying nutrients or pesticides to the lake (thereby improving water quality), and provide habitats to wildlife like Monarchs and Kingfishers.

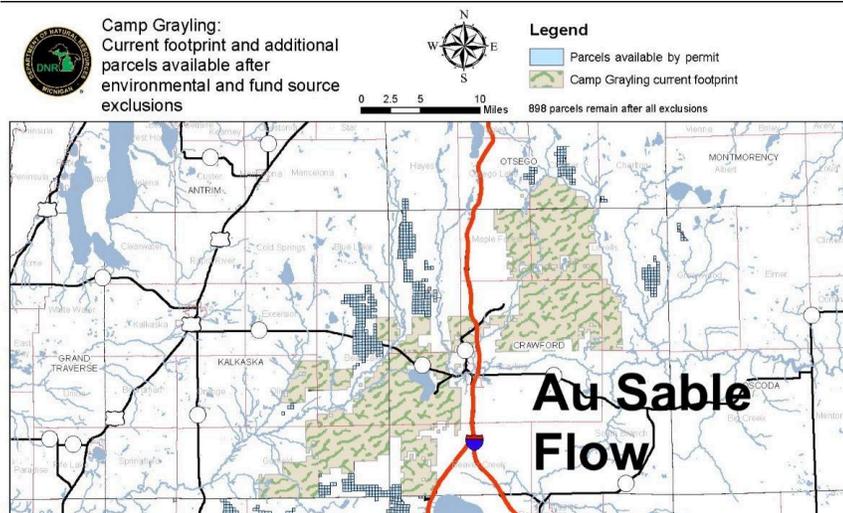
Thank you for Serving

This past spring HLLC Board Member Dr. Claire Miller Stern moved back to Michigan from Portland Maine to Ann Arbor. Unfortunately, for the HLLC, Claire's new job in the Audiology Surgery Department at the University of Michigan Hospital has taken up so much of her time that she can no longer participate as a HLLC Board member. Claire has been instrumental in writing these summer newsletters and communications to Conservancy supporters. She will be sorely missed. Thank you Claire for your great help in growing the Conservancy and protecting Higgins Lake!



Camp Grayling Expansion.

The DNR announced on April 28, 2023 it had signed a Memorandum of Understanding with the Michigan Department of Military and Veteran Affairs back on April 21. That MOU says it will last for five years, and open up through land use permits over 50,000 acres of additional property around Camp Grayling. As you can from the map it would open up a considerable amount of acreage west of Higgins Lake. For more details please see the



letter written to the Director of the DNR by the Anglers of the Au Sable on May 25, 2023 at this link:
<https://www.ausableanglers.org/wp-content/uploads/2023/06/Anglers-questions-to-DNR-re-proposed-NG-Lease.pdf>

Impactful Properties Research

New to the Conservancy Team is Libbie McDonald. Libbie has volunteered to be the HLLC "Impactful Properties Research Specialist". She was the finder of what is now the HLLC Loon Preserve and will be researching additional impactful properties. Please note on the return envelope enclosed or call (989 239-0589 or 517-403-3947) with suggestions for Libbie to follow up on. Help the Conservancy continue to build a reserve fund for the acquisition of impactful properties within the Higgins Lake area of influence.

Please join us for a celebration of the Lake and the HLLC on August 25th at 5pm at Birch Lodge. There is no cost to attend the BBQ and we hope you will bring your guests and neighbors along with you!

Sincerely,

Your Higgins Lake Land Conservancy Board of Directors

Bob Ferguson Gregory Douglas  *William J. Ray*
Jack W. McDonald *John* *Janice Montross*

Please help to protect and preserve the beauty and natural resource of Higgins Lake and in the Higgins Lake area and send in your contribution with the form on the next page or use the donation return envelope included Included in this mailing.

Higgins Lake Land Conservancy
PO Box 60
Higgins Lake, MI 48627



I (We) want to financially support the Higgins Lake Land Conservancy, a tax exempt, tax deductible charitable 501(c)(3) organization. Enclosed is the donation in the amount of \$_____

The HLLC is also able to receive gifts of property and stock made out to the Higgins Lake Land Conservancy for the purpose of conserving land and protecting Higgins Lake for generations to come.

Higgins Lake Land Conservancy, P O Box 60, Higgins Lake MI 48627

___ I (We) want to financially support the Higgins Lake Land Conservancy, a tax exempt, tax deductible charitable 501(c)(3) organization. Enclosed is my (our) donation in the amount of \$_____ made out to the Higgins Lake Land Conservancy for the purpose of protecting and furthering the rural recreational environment of Higgins Lake and the Higgins Lake area for generations to come.

First Name (s): _____ Last Name(s): _____

Mailing Address: _____ City: _____ State ____ Zip: _____
E-mail address: _____ Phone: _____

(Optional) In Memory of, Honor of, or Appreciation of: _____

(Optional) Send an acknowledgement of donation to the person listed below:

First Name (s): _____ Last Name(s): _____

Mailing Address: _____ City: _____ State ____ Zip: _____

If contributing by Credit Card please complete:

Name on Card: _____ Card Number: _____ Expiration Date: _____

CVC Code on back of card: _____ Card Billing Address: _____ Billing Zip Code: _____

Online donations can also be made at www.higginslakelandconservancy.com.

_____ Check here if you would like us to contact you regarding conservation of your property in the Higgins Lake Area.

Higgins Lake Land Conservancy, Michigan registration # 39362, a 501(c)3 organization. TIN # 11-3812984

Thank you for preserving the beauty of Higgins Lake for years to come!