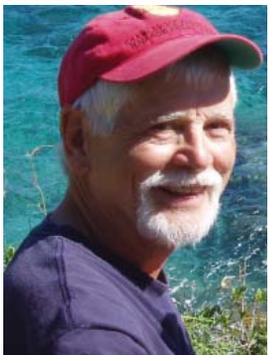




# The Lake Guardian

Fall, 2008

photo by Mike Dow



Sam Williamson  
sam@lakecharlevoix.org

## President's Message 2008 in Review

from Sam Williamson, LCA President

An invasive grass, *phragmites australis*, is showing up on Lake Charlevoix. See article p. 4.

**The year that is ending** was an exciting time of building for your Lake Charlevoix Association. For a number of years LCA had stayed relatively passive, doing its regular programs like the boat census and an educational boat trip for local middle school science students, but not much more. About this time last fall, however, the board met and decided to ramp up our activities, to be more meaningful as a protector of this marvelous body of water. We quickly concluded that our first priority had to be restoring membership. Our then-total of 115 members represented less than one out of every ten owners of property on the lake.

So we launched an ambitious membership drive. We chose to identify all the owners of properties on the lake, be it land, condo or boat slip and then send all of you two newsletters and a separate letter (all included a return envelope) encouraging them to join the LCA. We are pleased to report that as of October, our membership has climbed to 449. It's a great beginning to a continuing effort.

But having members is no substitute for having a meaningful program of work. The problem: We didn't know what **you** thought were the most important issues for us to tackle. As individual board members, we all had our pet projects but we knew that wouldn't be good enough.

So we asked you, holding four small-group discussions in the summer, to gather your ideas about the issues affecting your area of the lake. You talked to us about how local officials weren't stopping people from overbuilding, you said you were worried about the water quality and who actually monitors it, you talked about recycling and speeding boaters.

Over and over you told us that what you wanted was for us to communicate with you and to give you timely and reliable information. So that issue of communication has become a priority for us. This newsletter is one part of the picture. Our about to be revamped website is another. We are trying to develop a reliable list of members' email addresses so we can notify you quickly when a situation warrants action. And we hope that, with your help, in 2009 we'll be able to set up local "LCA communities" around the lake where members will talk with each other and feed back to us information on what is happening, for the lake's ill or for its good.

As part of the same effort, we partnered with the Tip of the Mitt Watershed Council in the first two weeks of August on two "Land and Water Education Programs" that offered our adult members the same access to scientific insight about the lake that we already provide for middle-school students. The first was in Charlevoix and the second in Boyne City.

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Our LCA has now completed 11 years of August boat counting on beautiful Lake Charlevoix and its appendage, Round Lake. The boat count trend line has been generally, but irregularly, upward. Are there any general impressions we can gain from this data base?

The main thrust behind the need for the count is the realization that, in time, Lake Charlevoix will become progressively more crowded. With more and more boats on the lake, there is a need to manage intelligently the lakeshore and the boating public by allocating resources such as the Coast Guard, Marine Sheriff deputies, and planning for marinas and launching ramps.

As we draw conclusions from this data base, we should bear in mind these three things. Firstly, there is no effort at statistical analysis. Secondly, the counters try their best, but there is human fatigue and fallibility at work here, I am sure. Thirdly, the boats are counted before they are moving, if, in fact, they do move much. They are boats which can use the lake, not boats using the lake.

Let us now examine three factors which, I think, can account for most of the changes in the boat count numbers: demographics, economic trends, and boat design innovation.

In the early 2000's, there were demographic predictions made by MSU, and cited by local planning agencies, that our county population would grow about one percent per year for ten years. This prediction was made before the downturn in the auto/general Michigan economy. This population prediction should have some bearing on the boat count.

We can see that, even with a flattening of the growth recently, the overall boat count is ahead of this ten percent per decade projection. More people are living around the lake, with boat lifts, and keeping boats in marinas. Probably more people have added a second boat. However, there are not more people trailering boats to launching ramps.

## What the Boat Count Shows: A Perspective

by Steven Hansen

There are limits to our boat count growth that don't apply to a population growth. The number of building lots on the lake is limited. I think we are nearing a complete build-out of the shoreline and, therefore, the maximum number of boats on lifts. Anti-key holing legislation serves to keep the number

of lifts commensurate with the number of lakeside lots. Some additional sizeable pieces of growth are coming.

Currently, two lakeside developments, each with a marina, are stalled or going very slowly. When completed, each will add scores of slips. Boyne City has future plans to increase the size of its marina. Charlevoix doubled the size of its marina just before the 2008 count.

The current economic downturn affects the pace of development, less the numbers of boats in marinas, and least the number of boats on lifts. A downturn may mean fewer people trail their boats to the launching ramps. People owning boats on lifts may now come to their home and/or use their boat less, but we don't pick that up with our method of counting.

The category of boat showing the greatest growth with recent flattening, is the Personal Water Craft. If the PWC numbers are backed out of the counts, we see that there is still overall growth but are much closer to the demographic one percent per year projection.

Summary: Recent boat numbers are mostly flat. The flattening seems likely due to an almost built-up lakeshore, and a lack of use of the launching ramps. The current economic downturn has stalled several large marina projects. The numbers of the fastest growing craft, the PWC, are flattening, too. My guess about the immediate future is for continued flat or very modest growth. (A table with totals and the breakdown by size and type for all the years can be found at [www.lakecharlevoix.org](http://www.lakecharlevoix.org).)

About 5,000 boats are ready to be used on the lake, but they aren't all used at once. Often, even in August, the lake still seems uncrowded.

We are fortunate.





Audrey Etienne, standing, told visitors what they would find on boat trips to "Discover Lake Charlevoix" at Ferry Beach. LCA member Steve Hansen, seated, helped keep the register.



Jonathan Friendly

## Students "Experienced" while Adults "Discovered"

by Dan Mishler, LCA Vice President

The Lake Charlevoix Association does not normally discriminate by age, but whether you had the opportunity to "Experience Lake Charlevoix" or to "Discover Lake Charlevoix" in the summer of 2008 was age-dependant.

These two events are a major part of LCA's educational program. May 20 and 21 of 2008 marked the continuation of the longstanding Lake Charlevoix Association tradition of hosting middle school students on a Beaver Island Ferry boat trip out onto Lake Charlevoix to investigate many parameters of lake quality and the potential threats to it. During the two days, all students of one grade level from each school in Charlevoix County got to "Experience Lake Charlevoix."

Nearly all of the LCA Board members participated in the event, leading the mini-sessions to help educate the students on the many aspects of taking care of this wonderful lake we all share. The excitement and attentiveness of the students is quite a treat for the presenters. The students also seem to have a genuine respect for the environment, which LCA hopes to broaden and deepen with this event.

In August of 2008, "Discover Lake Charlevoix" for adults was launched. The event, hosted by both LCA and Tip of the Mitt Watershed Council, was spread over two evenings, the 7th in Charlevoix and the 14th in Boyne City, and was very well received by attendees and presenters alike.

During the two evenings, private yachts were used to shuttle participants out to different sampling and viewing stations on the lake. While aboard the vessels, experts led discussions of various water-quality related issues. Topics included the importance of green belts, water quality sampling techniques and results, current political issues impacting the lake, and many more.

In pavilions ashore, many booths were set up and manned by local groups that are also working to promote environmental quality in the area. The many displays hit topics such as the importance of septic system maintenance, invasive purple loosestrife, fish stocking data and others.

Wine and extensive snacks were also provided free to attendees. Many of the nearly 150 participants raved about the event. The LCA board has included participating in the event as one of its potential programs for 2009.

### Lake Charlevoix Association Board of Trustees

The Lake Charlevoix Association is a non profit, 501(c)(3) corporation. All dues are fully tax-deductible.

- Sam Williamson - President
- Dan Mishler - Vice President
- Sue Costa - 2nd Vice President
- Mike Dow - Treasurer
- Jonathan Friendly - Secretary
- Brian Chamberlain - Director
- Paul Nowak - Director
- Tom Snow - Director
- Paul Witting - Director



# A Personal Lesson in Invasive Species

by Jonathan Friendly, LCA Secretary

“P-H-R-A-G.” Sue Costa was spelling it out for me. “M-I-T-E-S,” she continued.

So now I knew how to spell it, but I still didn’t have a clue what it was. That would require instruction from Dan Mishler, who went on to talk about some sort of invasive species of grass that has been turning up on beaches around Lake Michigan and elsewhere.

As secretary of the Lake Charlevoix Association, I had to take notes on what was being said at our September meeting, but the subject didn’t seem terribly compelling.

That was before Dan sent me some pictures in an email. The grasses they showed looked suspiciously like what I had been noticing on my beach all summer. Tall stuff, kind of dense, long reddish roots snaking across the sand – and growing like crazy. I had figured it was just some sort of native plant that was springing up on a part of the beach that had been underwater in the 80’s and 90’s but became exposed when the lake level fell. Now maybe it was something very, very much else.

So this is the first installment of what I hope will be a series of pieces about how I learned about phragmites, why they pose a threat to Lake Charlevoix and what I – and maybe you too – can do about them.

One early lesson was in how the word is pronounced: frag’-mighty. Darn those Latin words!

My first concern was to find out what kind of phragmites mine are, the native sort or the new invaders, *phragmites australis*. First stop for me would be Google. And, happily, useful background material is easy to find. I could learn where the stuff comes from, what kind of soil and nutrition it likes, why it spreads so readily and what others have tried to do to contain it. Pictures abound. But a problem remained:

- Was mine really the bad kind?
- Was mine the okay green or the bad dark green?
- Both have the same sort of seed fronds at the top of the stalk. Were mine more or less feathery?
- Were my roots more yellow than white?
- The leaves more tightly or loosely curled against the stalk in the fall dieback?

I needed a more expert eye, and I found it in Kevin Cronk

of the Tip of the Mitt Watershed Council. At his instruction, I pulled up half a dozen plants and asked my wife to drop them off on her trip to Petoskey a couple of days later.

It took Kevin no time to establish that they were indeed the invasive kind and that I was going to have to do something about them. And I needed to talk with my neighbor Mike Dow, whose beach adjoins mine to the east, because the biggest stand of the stuff is half on my beach, half on his. (A good lesson for me there; phragmites don’t respect property lines.)

Our immediate instinct was to simply uproot the stuff. Apart from a few isolated plants to the west, the grass was concentrated in an area about 200 feet long and maybe 40 feet wide. A good work crew could get it all out in an hour or so, we thought.

Kevin explained otherwise. Yes, we could cut the stuff down and pull up whatever roots we found, but the grass would be back in the spring, and probably as thick as before. Phragmites have a very efficient system of underground roots that we wouldn’t be able to exterminate and that would put out new growth as soon as the weather warmed.

Dealing with the problem was going to require waiting until next fall. That was when we could cut off

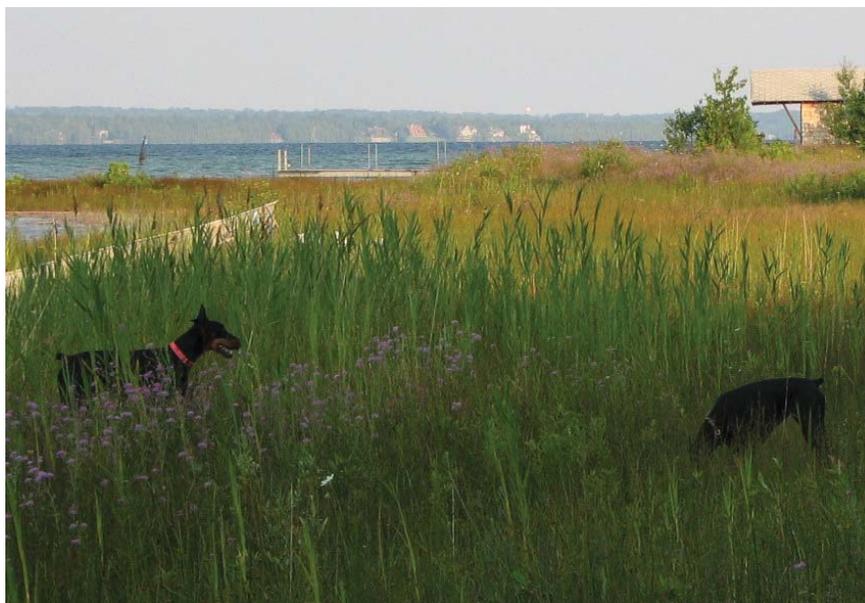
and bag the seed heads, to prevent further spreading that way. Then we could sickle the stalks. And finally, we would have to apply a herbicide, and that would mean applying for a permit because we would be spreading a dangerous chemical at the water’s edge.

In the meantime, however, we’ve been asking the LCA board if it would like to make our efforts to stop the phragmites something of a model for education and action. Maybe we could turn our situation into a useful lesson for others around the lake.

We’re still discussing what that might be.

In any event, we have this winter and next spring to find out more. And we’ll share what we discover with you through the newsletter and our website.

To make sure I don’t forget about the challenge, I’ve set as my computer’s desktop image a photo I took this summer of my two dogs playing happily on the beach. Right behind them is the big phragmites stand, a mini-jungle of luxuriant green. I hope that by this time next year it will be all gone.



A luxuriant stand of phragmites is a playground for dogs.



This last winter was pretty rugged but one of the paybacks for the shivering cold was the opportunity to look at the night sky over Lake Charlevoix. Without the haze of our usual summers, you can see thousands of stars twinkling above.

Or, you used to be able to, before development around the lake grew and a lot of people started leaving their lights on all night.

As I write this in the middle of the night, lights are burning all around the lake, many of them in homes that sit empty for all but a few summer months.

And why are the lights on in the middle of the night at the year-round homes? Why do lights burn day and night at houses when no one is there? One house I can see from my porch has a street light that glows over a wide area. Another often leaves the big light on his dock on all night.

When I was a science teacher many years ago, I had my students crank a small generator to see how much energy it took to light even a very small 15-watt bulb. As I look around my house at the many light bulbs we have, none of which

except for a hall nightlight are even close to 15 watts, I am flabbergasted at how much energy must be generated to keep us in electrical power. Lighting a single 100-watt light bulb for 24 hours, as so many of my neighbors do, takes nearly two pounds of coal -- or a like amount of natural gas or oil, and all that burning contributes carbon dioxide, a major cause of global warming, as well as a frightening soup of other pollutants. Keeping that little light on hardly makes a dent in your pocketbook, but it diminishes the world's health and spoils a lot of Lake Charlevoix star-gazing.

## Let's Protect the Night's Beauty

by Paul Nowak, LCA Director



*Fifty years ago, Flagstaff AZ enacted the country's first ordinance against light pollution to protect its majestic nighttime view. The current dark skies over Flagstaff allow local sky enthusiasts to see and enjoy a tapestry contemplated previously by every human generation. The above image, pointing just east of north, was taken in early April at 3 am from Fort Valley, only six miles from central Flagstaff. Visible are the San Francisco Peaks capped by a lenticular cloud. Far in the distance, the plane of the Milky Way Galaxy arcs diagonally from the lower left to the upper right, highlighted by the constellations of Cassiopeia, Cepheus, and Cygnus. Photo courtesy of NASA, copyright Dan & Cindy Duriscoe, FDSC, Lowell Obs., USNO*

Where safety is a concern let's think about using "down lights" that don't scatter their illumination in all directions. We can get the light directed to where it's needed for safety but not allow it to pollute the visual environment. Many of our shops could make the business areas more attractive by cutting back on unnecessary light.

A major reason for Lake Charlevoix's beauty is its naturalness. On a calm and peaceful night, the stars remind us of what nature creates. Reducing light pollution would make it easier for us to remember exactly where we are under the dome of the heavens.

### *President's Message continued from page 1*

While the turnout was not as large as we had hoped, those who came told us they enjoyed it and found it worth their while.

The interest in the "new" LCA was evident at our annual meeting held in August at the Depot in Charlevoix. The attendance was nearly double that of the meeting a year earlier. At the meeting, you elected two new board members, Tom Snow and Brian Chamberlain, whose biographies are worth reading and easy to find on the website. We also got a great presentation from Dave Miles, historical curator of the Charlevoix Historical Society, about the history of the lake, illustrated with more than 100 pictures from the society's extensive archives. We are grateful to Dave and to the society for letting us use its beautifully restored Depot.

Your board is currently sorting through about half a dozen suggested major projects for 2009. We'll tell you more about them in the next newsletter, but you can be sure they will succeed only if you are willing to be part of them. We need to monitor our local governments and to keep an eye on what's being built on the lake. We need volunteers to work on education initiatives and on the communication process.

For me one of the most interesting parts of finding our identity for the 21st Century came in our discussions of a new LCA logo. You see it at the top of this page, on our letterhead and website and, I hope, you'll see it on bumper decals we'll pass out. As we sorted through competing ideas, we confronted who we are and what we want to be. You can be sure that those letters - L, C, A - are rising out of a lake that we intend to keep as a singular jewel of northern Michigan.

2008 was a great year for us. I'm confident that 2009 will be even better. Our work is just beginning. Come help.

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*A footnote:* Some of you have asked how what we do differs from the Watershed Council. The Council, in the words of its executive director Gail Gruenwald, is above all "an organization that offers technical assistance, broad educational materials, policy and advocacy services, water quality monitoring, etc. on a regional, statewide and national level. We also offer the perspective of working throughout northern Michigan with numerous lake associations allowing for networking and sharing of resources." LCA, on the other hand, deals with our lake, its residents and its governments and its very special issues.

[www.lakecharlevoix.org](http://www.lakecharlevoix.org)



# Good Landscaping Protects Water Quality

by Shirley Polakowski

As lovers of nature we should consider the impact of our lawns and gardens on the water resources in our area. Every time we plant, fertilize, control weeds and control pests, we affect our water in some way.

If we are careful in the design of our lawns and gardens, we can minimize what gets washed into the lake with each rainfall. Good landscaping helps stop the contaminants that wash from our houses, driveways, roads, turf grass and compacted soils into the lake, stream or storm drain.

First, we can work to capture rainwater. Two-thirds of the water in a normal rainfall will run off your property unless you design it to retain this treasure for your own use. Decreasing the amount of impervious surface is an important step in increasing infiltration rates and reducing flooding that otherwise taxes storm drains. Capturing the rain cuts the loss of topsoil from stream banks, construction sites and sloped yards, thereby reducing the silt that can impact on both surface and sub-surface waters.

A few simple concepts are central to all gardens designed to protect water quality. All planned areas should actively encourage filtration, storage or infiltration of water into the ground..

They can include prairie areas, as well as very wet areas, rock gardens, or patios paved with pervious materials. Existing cultivated garden beds can be transformed, at least minimally, into simple water quality gardens by incorporating slight depressions into the plans. Whether you are starting from scratch with new construction or have an established lot, water quality gardens are wise additions. Because the gardens are created to optimize on-site infiltration, planning the placement of more than one garden on your property will ensure the capture and filtration of as much water as possible.

Replacing turf grass with appropriate groundcovers, adding trees to lower the temperature and utilize water on site, and adding specialized "rain gardens" positioned to collect rainwater runoff are all possibilities. Rain gardens are designed for areas where water habitually pools or where rainwater is deliberately channeled.

Some of the most basic steps in landscaping for water quality include:

- Removing turf grass wherever possible. Consider a reduction in the square footage of your turf grass. Use ground covers for visual appeal.
- Changing impervious surfaces to pervious. Use pervious paving stones when planning patios and pathways.
- Optimizing on-site infiltration and absorption. Modify your landscape by incorporating depressions or adding border designed to capture water runoff.

- Selecting plants suitable for your soil conditions and exposure. Use multiple species and heights for variation and year around interest. Avoid single species beds - they are vulnerable to pest infestations.
- Designing dry areas surrounding all wet areas to help reduce soil and nutrient loss.

Don't forget that helping protect our waterways by improved landscaping can also be an economic benefit to you. Proper landscaping is a proven method of increasing the value of your property.



A rain garden in Petoskey.

## Recommended Readings

- To learn about planning and plants materials, try *Landscaping for Water Quality*, Jane C. Secord, Editor, available through the Center for Environmental Study, Grand Rapids, MI, 616-988-2854
- For more background on rainfall, try *The Importance of Imperviousness; Watershed Protection Techniques* by T. R. Schueler, 1994.

## Web resources

- <http://www.ci.maplewood.mn.us> Go to search box and key in rain gardens
- Rain Gardens of Western Michigan [www.raingardens.org](http://www.raingardens.org)
- For a list of reputable nurseries and consultants, contact Michigan Native Plant Producer Association at [www.mnppa.org](http://www.mnppa.org)



What do the following property situations potentially have in common? The modest cottage on Bass Lake. The year-round home on Lake Charlevoix. The multi-million-dollar cottage at Bay Harbor. The hunting cabin on Trout Creek with 40 acres. The vacant buildable lot on the Kalamazoo River.

All five situations could involve properties which the current owners want to “keep in the family” after their deaths. Successful generation-to-generation transfers of riparian, hunting, and vacation properties do not just happen—it requires thoughtful estate planning, with the assistance of a skilled attorney who specializes in that area.

Unfortunately, many property owners who want to see their lakefront home, vacation cottage, pristine acreage parcel, or riparian property stay in the family (by passing it on to children, siblings, nieces and nephews, or other family members or friends) attempt to do estate planning “on the cheap.”

Oftentimes, they will draft their own wills or simply put family members on the deed to the property so that those family members will automatically own the property after the death of the current owner. Other landowners hire an attorney who is not an expert in the area of estate planning as it relates to riparian, vacation, or similar properties.

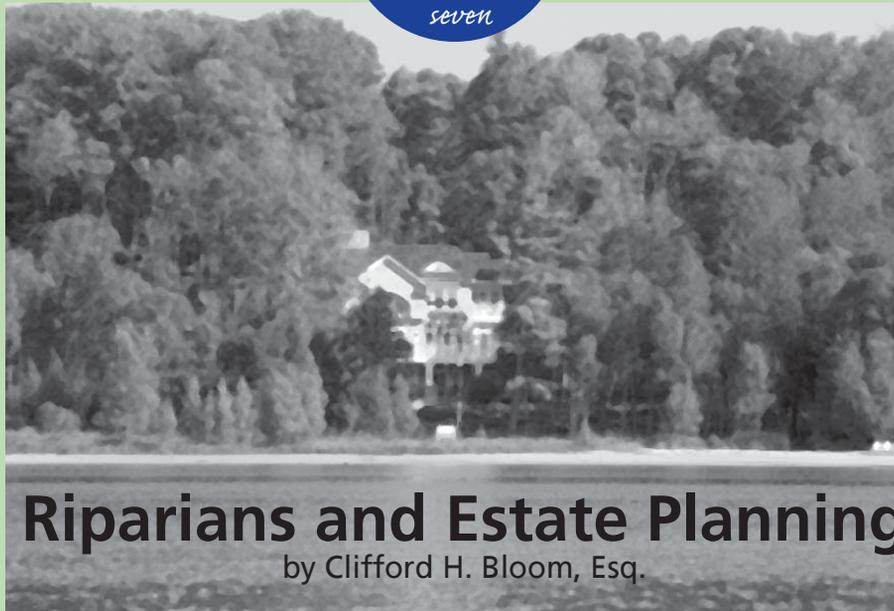
The results of poor estate planning (or no estate planning at all) can be disastrous. For example, where a property owner simply adds other family members to the deed (particularly without a formal side agreement governing how the property will be maintained, managed, etc.), it can later split families apart, result in property interests going to a former spouse who has divorced an inheriting family member, or lead to unpredictable results.

Poor estate planning can also lead to significant tax consequences.

Where proper estate planning does not occur, it is fairly common for members of the next generation to inherit a riparian, vacation, or hunting property as “tenants in common” or under a similar arrangement.

Absent the proper restraining documents executed by the now-deceased former property owner, any inheriting co-owner has the right to “partition.” That is, in Michigan, a co-owner has the right to force either a sale of the overall property (and division of the proceeds) or physical division of the property against the wishes of the other co-owner(s).

Other potential pitfalls involved with poor estate planning regarding such properties can include the following:



## Riparians and Estate Planning

by Clifford H. Bloom, Esq.

- The inability or refusal of one of the new co-owners to pay his/her fair share of taxes, maintenance costs, upkeep, etc.

- Unending disputes regarding who can use the property (and when), whether an addition should be added to the cottage, how the building should be decorated, etc.

- Problems caused when one of the co-owners wants to

be bought out (such problems can be compounded by disagreements over price, terms, how quickly the purchase must occur, etc.).

- What to do when one of the co-owners goes bankrupt or his/her creditors attempt to seize that person’s interest in the property.

Two of the most common techniques which are used by skilled estate planning attorneys to keep these types of properties in the family without causing undue future problems include setting up a trust or a limited liability company. There are, of course, “pros” and “cons” to each approach. The limited liability company (or “LLC”) is becoming an increasingly favored approach.

Some of the issues which must be dealt with in a well-crafted succession plan for a prized family property include the following:

- Co-owner buyout provisions.
- Dealing with divorce, bankruptcy, and creditor situations.
- Property usage rules.
- Voting provisions among co-owners.
- Allocating usage times among co-owners.
- How to handle building maintenance, additions, improvements, etc.
- Tax consequences.
- Provisions for eventual termination of the arrangement.
- Possible endowment fund.
- Conflict resolution techniques.

If you want to keep your beloved cottage, vacation, hunting, or similar property in the family, act now, hire a skilled estate planning attorney, and effectuate a good estate plan soon.

*Clifford H. Bloom is an attorney with Law, Weathers & Richardson, P.C. in Grand Rapids, Michigan and a specialist in riparian rights who writes a column for the Michigan Riparian magazine. This article is from a past issue of the Michigan Riparian and is being reprinted with the permission of that publication.*



## Represent Your Shoreline

Lake Charlevoix has over 60 miles of shoreline, and the LCA Board cannot be aware of everything occurring on our shores. Therefore, we are asking for volunteers to be "Shoreline Representatives." As a Shoreline Representative, you would be the LCA envoy for your specific area of the lake. Your duties would include helping to recruit new members, acting as a contact to encourage the continuation of existing members and serving

as a liaison for your shoreline area. Additional duties include reporting problems and passing suggestions from members and residents to the LCA board. As a shoreline representative, you will be an integral part of the LCA and serve as an extension of the board. If you are interested in preserving our incredible natural resource, or would like more information, please send an email to [info@lakecharlevoix.org](mailto:info@lakecharlevoix.org).



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photo by Mike Dow

## We don't want to brag, but .....

by Brian Chamberlain, LCA Director

We've got outstanding big inland lakes in Northern Michigan: Mullet, Burt, Glen, Torch, Walloon, Elk, Black, Leelanau... the list is considerable. All are beautiful – to rate one over the other is pointless since beauty is obviously in the eye of the beholder. All have good boating, sailing, swimming, and fishing. Most are clean and clear. A few have interesting towns or villages on their shores. There are no losers.

Upon closer examination, however, the case can be made that one lake clearly stands out from the rest in attributes that appeal to most property owners, users, and visitors – Lake Charlevoix. At the risk of sounding arrogant, Lake Charlevoix has unique characteristics that the others simply don't have, such as:

- The longest lake shoreline, 60 miles, in Michigan – by far. A few other lakes are bigger in area and deeper, but for most people, the amount of shoreline to be enjoyed is much more important than the quantity of water.
- Three of the north's most pleasing cities (Boyne City, Charlevoix, East Jordan) situated directly on the lake.
- Great diversity – Lake Charlevoix is made up of two distinct "lakes" – South Arm (long and somewhat

narrower), and Main Arm (wider and deeper). Different in many ways, yet connected.

In addition, Lake Charlevoix is prominent in other areas, including:

- A direct connection to Lake Michigan via Round Lake
- The destination of two major rivers (Jordan, Boyne)
- The Ironton ferry – a local treasure and necessity
- Salmon and bass tournaments in the same lake
- The location for a major sailing event (Red Fox Regatta)

Lake Charlevoix obviously has as many or more desirable features as any lake in the North, and the importance of it to the local area is substantial. You already know that, but sometimes it's good to reflect on just how fortunate we are to have such a jewel in our midst.

We must not forget that lakes are fragile and need to be cared for enthusiastically and wisely. In particular, we are all custodians of Lake Charlevoix, a very special lake in Northern Michigan - therefore, it is incumbent on all of us to preserve, protect, and improve it. That is the mission of your Lake Charlevoix Association.