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NEWS with THE BAY CITY TIMES

Corps making waves over beach issue

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By Amy Jo Johnson
TIMES WRITER

A Bangor Township battle over beachfront property is brewing to a full boil.

At least 80 land owners have already received or are about to receive letters from the U.S. Army Corps of Engineers telling them to stop disturbing the bottomlands exposed by recent low waters.

Federal and state regulators have documented a number of property owners who have tilled or plowed weeds growing along their shoreline.

But Bangor residents aren't taking the policing action lightly.

Ernie Krygier, an Aplin beach land owner who helped form a local citizens group for beach control last summer, said a door-to-door campaign has been started to look into the possibility of taking the Corps to federal court.

"We're looking into the support and feed back from residents on the water from all over the Great Lakes," he said.

Krygier said he thinks people will be in favor of a class action lawsuit.

"It's time the government got out of our back yards," he said.

Frank Whalen, a Donahue Beach property owner for

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22 years, said support for a lawsuit is there.

"A lot of people we've talked to already are interested in that," he said.

U.S. Rep. James Barcia, D-Bay City, said this morning that he will talk to other local state and federal legislators about holding more meetings between property owners, the DEQ and the Corps.

"I think it's obvious that we need to have some additional meetings," he said.

Barcia said a better dialogue is needed between regulators and landowners before any enforcement actions are taken.

"There are legitimate concerns on both sides. We just need to go back to the drawing board," he said. "I think it's worth some additional time and effort."

Barcia said he has both spoken to waterfront property owners and visited their homes, and he understands their concerns about muck, odors, vegetation, insects and rodents along the beaches.

"I do believe the proper owners have legitimate concerns," he said. "The worst of the problem seems to be concentrated in Bangor Township."

But Barcia said it's important that landowners get a clearer understanding of the rules in the federal Clean Water Act so that damage is not done to the environment.

Whalen said most of his beach is smooth and weed-free now, but it won't be for long.

Whalen said he received a letter from the Corps on Saturday asking him to cease and desist his beach maintenance actions.

Whalen said he and other property owners who got notification from the Corps will likely obey the letters and soon have beaches that look like the Bay City State Recreation Area, which is overgrown with vegetation.

Krygier, who received a notice from the Corps, said he's disked 30 feet back from the water's edge and

raked the sand above the high water mark.

"I don't see where we did anything wrong," he said.

Whalen said if he has to leave the beach in front of his home alone, he's curious to know if the Corps plans to take up the chores and liability of removing hazards, like broken glass and boards with nails in them, that wash up on shore.

He said he's also wondering if the federal agency will be taking care of any environmental concerns, like muck and sewage that come in from the bay and cause odors.

"It's really pretty crazy," he said. "I doubt very much if they're going to be liable for any of this."

The Corps won't pick up debris or deal with sewage that washes up on the shore, said William E. Leiteritz, physical scientist with the Saginaw Field Office of the U.S. Army Corps of Engineers.

Whalen said most rules and regulations benefit someone, but he can't see why families shouldn't be able to enjoy a clear, clean beach - free of vegetation.

"I can't see any benefit to what happened at the state park," he said. "Is the state park better than it was 30 years ago? Hell no."

Bangor Township Supervisor Jeff Mayes said he's had a few conversations with township residents about the beach issue, and hopes residents can work with the DEQ and the Corps to find an appropriate remedy to the situation.

"We support the beach residents rights to maintain their beaches under the law," he said. But, "in this particular matter, we have no authority over this issue."

Mayes said it seems state and local regulators need to address the issue further with land owners.

"I think it's ultimately going to end up in the courts," he said.

Barcia, meanwhile, said he wants to resolve this

issue this summer, and he's looking forward to a return of normal lake levels for everyone along the waterfront.

"I just pray to God that the lake levels come up," he said. "It's not a pleasant summer for any of the property owners."

- Amy Jo Johnson covers Bay County townships and cities for The Times. She can be reached at 894-9637.

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