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[Classifieds](#)
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Low water spurs mucky sand, lament

- Beachfront property owners fight for right to keep property groomed, erase new wetlands

By LORI HALL STEELE
Special to the Record-Eagle

TRAVERSE CITY - Waterfront property owners are mowing beaches, the neighbor kids have swimmer's itch and vacationers expecting pristine swims up north are grumbling about increasingly swampy shores.

Sugar-sand beaches are transforming into grassy wetlands as lake bottoms remain exposed for the third consecutive year of the state's lowest water levels since the 1960s.

Those boggy shores are beginning to pit beach owners against the agencies enforcing state and federal environmental laws that protect wetlands, shorelines and lake bottoms.

It's sugar sand vs. wetland, recreation vs. the environment, and property owners against the government, according to some.

"The water is like a foot deep, stagnant and yucky, and you can't go down and use the beach at night because of all the mosquitoes," said David Almeter, owner of Cherry Cove Beach Resort, an eight-cabin mom-and-pop getaway south of Suttons Bay.

Almeter wanted to construct a 6-foot-wide sand and pebble pathway to open water 50 feet away, but his permit request was delayed, then placed in line for evaluation, until it was too late for consideration this year.

"I get people from downstate and Ohio here, and they just shake their heads. They don't understand," he said. "Everybody's getting complaints, and sooner or later, people will take their business elsewhere."

Plant life is emerging all along Michigan's some-3,000-mile Great Lakes shoreline, but shallow areas - some areas of Grand Traverse Bay and Saginaw Bay, particularly - are changing most rapidly. Shoreline business and home owners accustomed to mechanically grooming sand are being cited for upsetting new wetlands. A handful have been sued.

The state Department of Environmental Quality this year sent 55 violation notices to Saginaw Bay-area beach owners who attempted to fill or mechanically groom beaches - which is considered a form of dredging - compared to six notices per year in 2000 and 2001.

The U.S. Army Corps of Engineers, meanwhile, has sent cease-and-desist orders or advisories to more than 300 Saginaw Bay beachowners in the past three years. Figures were not available for the Grand Traverse Bay area.

In response, beach owners are uniting to protest what they consider unfair restrictions on mechanical grooming and too-lengthy and inconsistent permit processing for grooming or building raised pathways to open water.

Save Our Shorelines, a 1,300-member organization formed in 2001 and based in Bay City, is meeting at 1 p.m. today at the Grand Traverse Resort in Acme. The group invited some 3,100 Leelanau and Grand Traverse county beachowners to attend. SOS members have raised \$220,000 to lobby lawmakers and start legal action to allow mechanical beach grooming and reduce paperwork for other permits.

"The government is taking private and public beaches and allowing them to turn into wetlands," SOS president Ernie Krygier said. "Our mission is to keep beaches as beaches. People have vegetation over their heads and they're walking through muck."

Officials, however, say Mother Nature - not the government - is turning beaches into wetlands. Several state and federal environmental protection laws, including the U.S. Clean Water Act, protect wetlands and Great Lakes bottomlands, requiring permits for dredging, filling and construction projects.

There's a simple reason, officials say, for the government regulations: They protect the environment.

"The coastal wetlands that have emerged as the water levels have dropped are among the most biologically important, biologically active habitats in

North America," said Bill Leiteritz, physical scientist with the Army Corps of Engineers in Essexville. "Those coastal wetlands are important not only locally but globally.

"If people want clean air to breathe and clean water to drink, those wetlands provide it," he said. "That's the message I've been trying to get out for three years."

Nonetheless, under federal law, beach owners can legally mow or hand-pick beach plants.

"People can go out with lawn mowers and weed whackers and they can cut the vegetation to the height they want," Leiteritz said. "You can go out and pull all the vegetation you want by hand. You can go out and clean up the stuff that floats in by hand. But you can't disk the bottom, plow the bottom, use a bulldozer blade."

This year, lakes Huron and Michigan are 10 inches below the long-term average of 579.5 feet above sea level. Last year, they were a foot below average. In some places, such a drop exposes hundreds of feet of lake bottom. The shoreline in some low-lying areas is now 500 feet farther away than it was three years ago. In some exposed areas, shallow waters pool, dormant seeds sprout, and voila!: A wetland.

Wetlands and areas beneath the high-water mark also are protected by state law and, as with federal law, permits are required to dredge and fill.

"We're not talking about someone who picks up a stone and we say, 'Hey, you dredged the bottomland, j'" said Martin Jannereth, chief of DEQ's Great Lakes Shorelands Section. "I don't think a hand rake is what we're talking about. What we're talking about is mechanical equipment - tractors, bulldozers."

Higher water levels that persisted for nearly 30 years kept beach conditions stable on most Great Lakes shorelines, so heavy grooming wasn't necessarily required. Newly grown wetlands and Great Lakes bottomlands - areas below the high-water mark - weren't involved. But the water-level decline three years ago dramatically changed things on some beaches.

"The property owners weren't happy with this change in conditions," Jannereth said.

The DEQ, unlike the Army Corps of Engineers, has taken discretionary action to "strike a balance" between environmental protection and recreational access to the Water Wonderland's waters, which

property owners, the public and tourists enjoy, Jannereth said.

"The director of the department has indicated there are certain activities we aren't going to be concerned with: mowing, some grooming and filling in to get pathways out to the water, within certain parameters," he said. "We concluded differently than the Corps of Engineers that the impacts, given the parameters, wouldn't have any lasting, long-term impact to natural resources."

At the same time, officials want the public to understand that emerging wetlands do serve an important environmental function. Often, during low-water periods, upland wetlands dry up, and new foliage growing along shoreline becomes an alternate habitat for birds and mammals.

Property owners, meanwhile, say rules for permits are not streamlined, that lake levels will rise again and those who pay higher beachfront tax rates should be able to groom their shores.

The increasingly mucky waters, particularly in East Grand Traverse Bay's shallow shoreline area, have prompted constant complaints at some hotels, where guests expect the "clear pristine waters" this region is known for, said Michael MacColeman, general manager of the Cherry Tree Inn on the Beach, a 64-room hotel that opened in 1999.

"This is a temporary situation, and it should be treated with leniency," he said.

The hotel received a cease-and-desist order because it was using a small lawn tractor with a fence behind it to drag the beach. Permission later was granted to groom 100 feet of the 400-foot shoreline.

"It's going to have a long-term effect on Traverse City," MacColeman said. "If indeed the DEQ and Army Corps of Engineers are successful and the whole waterfront becomes weedy except for 100-foot swaths, no one's going to be able enjoy the beaches.

"One of the reasons Traverse City is so popular is because of our beaches, and if they're not nice, people won't come."

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