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August 26, 2002

400 turn out for meeting on shoreline

- Saginaw-based group is trying to rally lakefront owners to oppose state and federal beach mandates

By [STACEY SMITH](#)
Record-Eagle staff writer

ACME - More than 400 concerned property owners showed up here Sunday to hear members of the Saginaw-based citizen group Save Our Shoreline discuss riparian rights, property values and problems with Michigan Department of Environmental Quality and U.S. Army Corps of Engineers.

Members of SOS were in Acme to recruit northern Michigan property owners in their battle with the state and Army Corps over ownership of the Great Lakes shoreline.

Waterfront property values in the Saginaw Bay area are dropping sharply due to Army Corps and DEQ regulations, group members warned, and the same could happen in northern Michigan, they said.

A former Michigan Department of Natural Resources Shoreline Division chief, though, said the group members are off base and the Army Corps and DEQ rules are necessary.

SOS was founded last year after the Army Corps sued three Saginaw Bay waterfront residents for mechanically grooming their beaches to remove vegetation that was visible due to low water levels.

While two of those property owners settled with the Army Corps - agreeing to a \$1,000 fine and restrictions on grooming the beaches in front of their homes - the third property owner is fighting back.

SOS has established a legal fund to help and the effects will be far-reaching, not just to residents on Saginaw Bay, but the waterfront property owners throughout the state, SOS board members said.

"This is not just a local issue. This is an issue that

stretches throughout the state," SOS president Ernest Krygier Jr., said.

Grooming the beaches is necessary to keep property values high and to allow for enjoyment of the beaches, Krygier said.

A study of property values in the Saginaw Bay area showed a 65 percent drop in the value of waterfront property - from \$4,333 per front foot to \$1,558 - when beaches weren't groomed and weeds were allowed to grow freely instead of pulled up and replaced with sand, he said.

Krygier said the DEQ and Army Corps are claiming the public owns the land between the ordinary high watermark and the actual shoreline on all property that borders the Great Lakes and its tributaries.

Because of that public ownership, the Army Corps can tell waterfront property owners not to groom their beaches when water levels are low and the shoreline is pushed back.

Members of SOS say a Michigan Supreme Court ruling from 1930 sets property lines for waterfront property at the shoreline, whether the water levels are high or low.

"We in Michigan own to the water's edge and that's what SOS is fighting for," board member Pete Frauson said.

Former Department of Natural Resources Shoreline Division Chief Chris Shafer, however, said the state does indeed own the lake bottom beneath the ordinary high water mark and the Army Corps is correct in telling property owners not to groom their beaches.

Shafer, who now teaches law at Thomas Cooley law School in Lansing, said a U.S. Supreme Court decision from the 1800s puts the Great Lakes bottom lands in trust for the people of the state.

"For years, the law has been clear. When the water is low, like it is now, there is state-owned bottomland exposed," Shafer said.

It is important to allow plants to grow on shore during times of low water levels, Shafer said, in order to allow the ecosystem of the lake to recover from times of higher water levels.

"This is almost a priceless time in terms of healing the shoreline. These areas are of tremendous ecological value," Shafer said.

About 3,100 flyers were mailed to Grand Traverse-area waterfront property owners inviting

them to attend Sunday's meeting at the Grand Traverse Resort and Spa.

SOS members said they hope to raise \$700,000 to help fight for waterfront property owners rights. So far, they have raised \$222,000, group treasurer Robert Harvey said.

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