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The case of the disappearing beach

By RAY GUDAS / For The Herald-Palladium

NEW BUFFALO - Residents of Warwick Shores, Sunset Shores, Forest Beach, Grand Beach and other lakefront communities south of New Buffalo have been battling beach erosion for years.

The source of their problems, many say, is New Buffalo harbor's breakwater, which interferes with the southward migration of sand that occurs naturally along the Lake Michigan shore.

As proof of their claim, they point out how large the beaches north of the breakwater, including New Buffalo's own beach, have become in recent years, while the beaches south of the harbor have been gradually eroding.

The erosion occurs despite annual "beach nourishment" campaigns by the Army Corps of Engineer, and the efforts of private groups and individual property owners to implement various, but always expensive, strategies on their own.

Now local lakefront property owners appear to have two new allies in their campaign to address this issue.

One is the 4,000-member International Great Lakes Coalition, essentially a lobbying organization for owners of coastal property.

The other is a group of 36 lakefront property owners in northern Berrien County, just south of St. Joseph, who are collectively proceeding with a \$17 million lawsuit against the federal government for beach erosion they claim is being caused by the piers that were built to protect that city's harbor.

Representatives of the two groups recently met in New Buffalo.

John Andresen of Saugatuck, the chairman of the Great Lakes Coalition, says his organization was "born of the high-water disaster of 1985," and has been working since then with the governments of Canada and the United States to protect the rights of property owners along the Great Lakes.

Andresen said local owners of coastal real estate should consider joining the Great Lakes coalition.

"We're a political minority. Go a mile inland, and nobody cares about our problems,"

Andresen said. "We need you as badly as you need us."

One of the coalition's platforms is its call for a system of continuous dredging that would replenish sand wherever the creation of manmade harbors diverts its natural flow. The group has identified 19 such locations in the Great Lakes.

"We figure it might cost around \$10 million a year," Andresen said. "That's cheap when you consider the government spends billions on beach nourishment projects along its ocean beachfronts."

The group also wants what Andresen described as "more reasonable water levels on all the Great Lakes," which he said can be achieved fairly easily through more controlled manipulation of existing locks.

Under current standards, lake levels are allowed to fluctuate as much as 6 feet. Andresen insists that's too much.

"One and a half feet would be more reasonable," he said.

Some scientists would dispute Andresen's assertion, arguing the lakes tend to rise and fall based on natural factors that are not easily controlled. Current low lake levels, they say, are primarily the result of a long-term drought.

Andresen said his organization routinely has dealings with the International Joint Commission, the six-member panel of Canadian and American political appointees who administer the waterways, as well as the Army Corps of Engineers.

Andresen said while the Corps' relationship with the coalition isn't at all acrimonious, they "constantly disagree" on the issues.

"Sometimes we do manage to win our point with them," Andresen said, thanks largely to what he described as the coalition's "world-class legal committee and a technical committee that lacks for nothing."

He said the organization's top issue involves the Army Corps of Engineers' recent announcement that it plans to stop its beach replenishment programs.

"They say Congress is tightening the budget and not giving them the money to do it," Andresen said, vowing to fight the decision.

The audience at the recent meeting in New Buffalo also heard from attorney and mechanical engineer John Ehret, one of the 36 plaintiffs in the case against the federal government over St. Joseph's harbor.

Ehret was credited with winning the reversal of a decision by the U.S. Court of Federal Claims to dismiss the lawsuit on the grounds that it was filed after a six-year statute of limitations on such cases had expired. Unless a settlement can be reached with the Justice Department, the lawsuit will proceed.

The attorney told local lakefront property owners that they do have legal remedies, and that they should not be intimidated just because they are dealing with the federal

government.

"What it comes down to," Ehret said, "is that the government can't take your property without proper compensation. They can take it, but they have to pay."

Ehret went over the details of the lawsuit, and cautioned local property owners not to wait too long to decide if they want to start a legal action of their own.

Among those attending the presentation were Forest Beach resident Lou Hoekstra and Warwick Shores resident and former association president Jim Carson. Neither was prepared to endorse a lawsuit, expressing hope that a solution can be found instead.

Hoekstra said he will attempt to form an organizing committee of representatives from all of the affected communities so they might present a more unified front in making that effort.

During a question and answer session, someone asked whether the City of New Buffalo might share some liability for the erosion problem.

Local attorney and Grand Beach resident Larry Frankle offered the opinion that although the case could be made, "We don't want to sue, we want a sandy beach."

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