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HEADLINE: DAWSON BELL: Clash over wetlands tramples private property rights

BYLINE: BY DAWSON BELL; FREE PRESS COLUMNIST

BODY:

It was encouraging to see that Peter McPherson included the establishment of private property rights among the essentials for development of a free and civil society in Iraq. (Associated Press story Friday on the MSU president turned nation builder).

We can now look forward to the day when all agree that Iraqis may build sand castles at their beachfront homes without obtaining multiple government permits. As long as they agree not to use prohibited tools or equipment, of course.

Just like in Michigan.

Maybe McPherson will even want to take along a copy of the newly-released sand castle-sanctioning Shoreline Task Force report, to remind himself how we deal with conflict resolution at home. It would be a good idea to shield it from Iraqi eyes, however; lest they sour on the appeal of democracy over the long term.

The Shoreline Task Force report, in case you missed it, is the product of extensive research into the conflict between Great Lakes beachfront property owners and state and federal environmental regulators.

They've been going at it since Great Lakes levels started dropping several years ago, leaving behind, in some places, an exposed bottomland that was a tangle of rotting fish, piles of zebra mussels, a profusion of weeds and mosquito breeding grounds. Or, in the view of the regulators and their allies, "emerging wetlands" deserving of protection from human interference.

Over time, property owners have grown increasingly frustrated by the intransigence of the Michigan Department of Environmental Quality and the U.S. Army **Corps of Engineers**, who exercise various levels of jurisdiction over assorted aspects of the waterfront (the two agencies, for example, take differing views on the permissibility and scope of mowing vegetation between water's edge and the high water mark).

Property owners complained they couldn't get permits for the most rudimentary forms of maintenance that would allow them to use the beach, like cutting a path from their homes to the water. And when they could, it often took so long as to make the permit useless for those disinclined to do their mowing in November.

The Shoreline Task Force was formed to bring the fractious parties together to identify common ground. It included representatives from government agencies, property-owner and environmental groups and elected officials. Lots of them.

They met for six months and reached three fundamental conclusions:

Coastal marshes are good habitat for wildlife.

Lakefront property is expensive.

Mosquitoes breed in stagnant water.

They also prepared lists of things that everyone agrees do not require DEQ or Army Corps permits.

In addition to sand castles, bonfires and raking dead fish (with hand tools) are OK. Other activities, like putting in a path (maximum width 6 feet, length 200 feet) could be authorized under a general permit, which the task force report cheerily asserts "require considerably less red tape."

Of course, almost no one argues that wetlands aren't valuable or that shoreline property owners should be authorized to call in the bulldozers every time the water recedes. But somehow conflicts between environmental regulation and property rights always seem to degenerate into that kind of straw man argument, with even the most modest alteration of the natural environment likened to Chernobyl.

Meanwhile, the real value of respect for private property is increasingly ignored. It shouldn't be.

Securing private property from government confiscation or the tyranny of excessive regulation isn't as celebrated as the right to freedom of speech or religious liberty. But it has the same kind of constitutional protection. And for good reason.

In a recent study completed by the Institute for Justice in Washington, D.C., Michigan earned the dubious distinction of being home to the worst abuse of the power of eminent domain of any state in the country. According to the study's findings, private citizens in Michigan have their property seized and turned over to other, government-preferred, private citizens (like casino and stadium developers) at a depressing rate.

That's not an example McPherson should seek to emulate overseas. His boss on the Mideast assignment, President George W. Bush, has been saying to all who will listen that liberty is both the aspiration and the right of every person everywhere.

Let's hope the aspirations of the Iraqis are on a scale that exceed sand castles sans permit.

The Shoreline Task Force can be found at: www.lre.usace.army.mil

Contact DAWSON BELL at 313-222-6604 or dbell@freepress.com