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## Beach deal surfaces

Property owners may mow weeds to water's edge

Tuesday, May 20, 2003

By Crystal Harmon  
TIMES WRITER

Waterfront homeowners have more leeway to maintain their beaches under new initiatives released Monday by federal and state officials.

But the changes don't go far enough, say a state senator and the president of a property-owner's group.

In an interview with The Times, Lt. Col. Thomas H. Magness of the U.S. Corps of Engineers announced initiatives that he said strike a healthy balance between preservation of emerging wetlands and the rights of waterfront property owners.

Property owners now may mow any or all of their waterfront property without a permit. The state had until now required a permit to mow.

Permits for leveling sand and power-raking that once required a 41-page application and a 93-day wait now can be sought with a one-page application and a site visit from a federal engineer, with approval coming in as little as a week, Magness said.

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Magness, dressed in camouflage and traveling via helicopter, visited Bay City and Bad Axe on Tuesday, flanked by Steven Chester, director of the State Department of Environmental Quality, and employees of the Corps and DEQ.



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Chester said the state will acquiesce to the federal government on the new guidelines, at least for now.

Ernie Krygier, president of property-owners group Save Our Shoreline, said he contacted the Corps' Essexville office Tuesday and was told the new guidelines were unavailable.

But Krygier said he believes the changes are "unacceptable." Krygier said he continues to back a bill in the state Senate allowing mechanized grooming - disking up weeds.

"We have been working with the governor's office trying to come up with something they can sign," Krygier said. "For the state to say, 'We're done, it's all over to the Corps,' give me a break. Now we've got Rambo of the Corps coming down to save the beaches."

A bill authored by state Sen. James A. Barcia, D-Bay City, is set for debate today before the Senate Natural Resources Committee.

Barcia said he'll move ahead with the legislation, which would allow mechanical grooming 4 inches deep in nonsensitive residential waterfront areas.

Barcia said he was taken aback to learn that federal and state officials would, in effect, trump his legislation.

"I was surprised that I wasn't informed of the Corps and DEQ tour through my district," Barcia said.

Legislation, not promises from government staff members, is key to meaningful solutions to the wetlands issue, Barcia said.

Magness and Chester on Monday announced permits that had been granted for beach work on Saginaw Bay parks, as well.

Two beaches measuring 575-by-150 feet and 550-by-35-feet will be created at the Bay City State Recreation Area and maintained until 2013.

Beach maintenance at Port Crescent State Park, Albert

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Sleeper State Park, village of Port Austin, Caseville County Park and Oak Beach County Park - all in Huron County - also will be permitted.

Magness and Chester said they and their staff came up with the new guidelines based on a report from a Shoreline Task Force and input from residents and others.

"We've developed residential areas on a wetland, and we have to find a balance for human activities to occur," Magness said.

Chester said the state has deferred to the federal government for this season, and will continue studying and reviewing regulations over the next year.

He said people who comply with the federal guidelines won't face state scrutiny.

Magness said that he realizes that some folks want to be able to get rid of their weeds, roots and all, which is more than a mower can accomplish.

But he said "radical management practices" that allow for the destruction of wetlands could lead to ecological disaster. The Saginaw Bay frontage is historically a marsh, and changing it into sandy white beaches isn't an option, he said

Weed-pulling is still allowed only by hand, and only on a limited basis, officials said.

"A person couldn't have a whole Scout troop in and pull up a whole stretch of weeds," Chester cautioned.

The guidelines make it easier for folks to get permission to level sand as well as build paths or boardwalks to the water's edge. The application can be downloaded from the Corps's Web site , [www.lre.usace.army.mil](http://www.lre.usace.army.mil).

State Rep. Joseph Rivet, D-Bangor Township, said he sees the alignment of federal and state regulations as a "major setp in the right direction," but it doesn't allow weed removal, which he thinks should be OK in certain limited areas.

Also on Monday, Magness said he has asked the U.S. Department of Justice to drop civil action pending in U.S. District Court against a Caseville couple, Herb and Marion Kincaid. They were facing trial for moving sand by machine on their Saginaw Bay property without a permit.

The Kincaids said they would comment only after getting official word that the trial, set for August, is off.

- Crystal Harmon covers Bay County courts and politics for The Times. She may be reached at 894-9643.

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