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Saturday, May 31, 2003

Resort owner charged with violating federal beach grooming laws

By Associated Press

ONEKAMA -- Federal authorities have charged a northern Michigan waterfront resort owner with violating a series of environmental laws.

Michael DeVoe, owner of Portage Point Inn in Manistee County, is accused of 10 violations of the Clean Water and Rivers and Harbors acts, as well as 10 counts of noncompliance to permit conditions for work he authorized on Portage Lake.

"There were a number of incidents where the Inn placed structures, moved sand and conducted other activities without a permit," said Thomas Gezon, assistant U.S. attorney in Grand Rapids. "It definitely affects the ecosystem."

DeVoe told the Traverse City Record-Eagle his actions had no ecological impact on the lake.

"It's a series of technicalities," he said, "but we hope to work it out with them."

A bill passed by the Michigan Senate on Thursday would ease state restrictions on beach grooming on Great Lakes shorelines, but federal laws would remain intact.

Court records list a number of alleged violations discovered by the U.S. Army Corps of Engineers between the fall of 1999 and July 2001. The corps charges DeVoe with constructing a number of unauthorized piers, jet ski hoists and boat hoists.

At least two boat hoists were built after the corps sent a cease and desist letter and posted a stop work order, according to court records.

Other charges include the dumping of more than 250 cubic yards of beach sand into the lake on three occasions. An area of boulders used to prevent beach erosion, called riprap, was covered with additional sand.

"Every case is different but the number of violations in this case is unusually large," Gezon said.

DeVoe defended the work as normal operations at the 100-year-old resort hotel. He said he used sand to cover the riprap to protect customers from a 5-foot drop that developed as lake levels fell.

"Why did it take them 95 years to show up on our beach and decide that we need to have permits?" he said. "But we're trying to work it out with the Corps of Engineers. We're not really interested in a fight."

The maximum penalty could be up to \$25,000 per day for each violation, though Gezon said the maximum penalty is for extreme cases where pollution is involved or public health is endangered.

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