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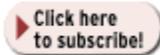
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Stupak bill eases federal beach-maintenance rules

Bart Stupak, D-Mich., and John Duncan, R-Tenn., introduced a bill that requires the U.S. Army Corps of Engineers to permit beach maintenance 'in accordance with' a new Michigan law that took effect last month.

Wednesday, July 16, 2003

By Crystal Harmon
TIMES WRITER

State lawmakers have recruited two powerful allies in Washington in the battle to keep some Michigan shoreline from going green.

At the urging of Michigan legislators and property owners, two congressmen have introduced a bill that would bring federal beach-maintenance rules for the Great Lakes in line with a recently passed Michigan law.

Bart Stupak, D-Mich., and John Duncan, R-Tenn., introduced a bill

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in the house on Tuesday that requires the U.S. Army Corps of Engineers to permit beach maintenance "in accordance with" a new Michigan law that took effect last month.

The Michigan law is more permissive than federal law when it comes to what property owners can do to combat plants springing up on exposed shorelines as water levels drop.

Specifically, the state Legislature created two "pilot areas," the Saginaw and Grand Traverse bays, in which residents can get permission to mechanically remove vegetation from their beaches. Federal regulations forbid such activity in nearly all cases.

"We've got to get the federal government and the state enforcing the same laws," Stupak said this morning. "The state was moving quicker on it, so we were able to take that language and get it mirrored in this bill as a way to resolve this conflict."

Stupak, of Menominee, represents the entire Upper Peninsula and most of northern Michigan, as far south as northern Bay County.

He said the state law he's looking to affirm at the federal level strikes an appropriate balance between environmental concerns and rights of property owners.

"They're only allowed to go down 4 inches below the soil," Stupak said of the mechanical beach-grooming allowance. "Over the past five or six years, some wetlands may have become established with roots going down deeper than that."

The bill, which likely will go before the full U.S. House of Representatives next month, applies only to Michigan.

"It seems extremely reasonable that shoreline property owners should have the option to deal with low lake levels with these simple and limited measures," Stupak said. "Landowners should not be caught between conflicting federal and state laws as they try to maintain their beach property."

Stupak said he has questions about how the U.S. Army Corps of Engineers has "selectively enforced" federal laws - the Rivers and Harbors Act and the Clean Water Act.

"It was not being evenhandedly enforced," Stupak said.

Joseph E. McBride, one of the directors of Save Our

Shoreline Inc., said the property-owners group has been lobbying hard for years to get the right to eradicate encroaching weeds.

"If you have any vegetation on your shoreline, they (federal government) think it's sacred and should not be moved, and for us, that's hard to understand," McBride said. "Much of this vegetation is invasive in nature and is a nuisance."

McBride, of Sand Point near Caseville, said the group will continue to lobby members of Congress and others regarding what he called the Corps' "unreasonable" enforcement efforts.

"In lower Michigan, we have well over 125,000 acres of coastal wetlands, and the amount that we want to groom residentially is about 150 acres," McBride said. "It's such a small amount that we're fighting over, and it's such a waste of time and resources."

Lt. Col. Thomas H. Magness, commander of the Detroit District of the Corps of Engineers, said he hasn't seen the bill and therefore couldn't comment on it.

But he said things are "going great" under a regional permit approved by the Corps six weeks ago. That one-page permit is for minor residential activities, such as sand leveling and grooming of non-vegetated soil.

"We've had 160 applications, and of those, we've issued 102," Magness said this morning. "Nearly all of those are for the Saginaw Bay. Even those we rejected were mostly partial rejections. Compare that to last year, when we issued four permits."

Magness said the recently passed state law was "based on politics," while the "federal process is based on facts and science."

"In large measure, though, we're on the same sheet of music," Magness said of the state and federal governments.

Ernie Krygier, president of SOS, said he's happy with Stupak's bill.

"The state law was the first step, and this is the second step to regain our rights as property owners," Krygier said.

State Sen. James A. Barcia, D-Bay City, got unanimous support in the Senate last month for a resolution to seek support in Washington for the new state beach-maintenance

law. The same resolution was expected to go before the state House this week.

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

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