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ONLINE EDITION

Cheboygan Daily Tribune



308 North Main St. Cheboygan, MI 49721

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Local News

Sandbar now off limits

Popular mooring location is now erosion project; once it was subject of court battle

By ERICA KOLASKI

Tribune Staff Writer

CHEBOYGAN - A popular mooring spot on the Cheboygan River is now off limits to boaters.

The spot, known as the sandbar, is located near dayboard 21 about one mile north of Mullett Lake on the Cheboygan River.

The busy docking spot is now posted as an erosion control project by the U.S. Army Corps of Engineers and the Michigan Department of Environmental Quality.

According to Cheboygan County Undersheriff Mike Newman, officers are required to enforce the law and ticket those who trespass on the property.

He said that the 310-foot portion is clearly posted with signs from the DEQ.

"Trespassers will be ticketed. We approached the prosecutor to see if the permits were legitimate, and they are," said Newman. "The department is approaching this from strictly the enforcement standpoint."

Newman added that even if the area is not posted, trespassers will be warned then ticketed for subsequent offenses.

"There was some damage to the area last weekend," he said, noting that about 60 feet to 80 feet of the logs posting the area were torn out.

"We are looking into placing some surveillance equipment in the area in anticipation of further damage, if it really becomes an issue," said Newman. He said that the department already conducts extra patrols of the area.

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The sandbar is blocked off by both trees and signs.

Jeff Kenzie from the Tip of the Mitt Watershed Council said that the trees are not designed to be barricades, but rather "erosion control structures."

"The flexible branches of the red pines serve to absorb energy from boat wakes and waves, reducing the force of water on the surrounding sand and reducing erosion," said Kenzie.

Property owner Mary Worden issued a statement through her attorney, Lloyd Fell, that the permits are legitimate. She told the Cheboygan Daily Tribune in June of 2001 that she was "against boaters using the sandbar."

Fell also obtained permits to block off a 286-foot portion of the river in front of his home, which is across the river from the Worden property. The same trespassing rules apply for the Fell property.

Kenzie said that the Watershed Council was hired by Worden and Fell to design and install a "biotechnical shoreline erosion control and habitat restoration project" on their shorelines.

Kenzie explained that the DEQ issued the permits for installation projects. "By granting a permit for the installation of this product, the DEQ acknowledges that these trees will remain in place indefinitely." He added that regular maintenance is allowed under these permits that that maintenance includes damage repair.

Adjacent riverfront property owner George Allen said that he has been getting blamed for the project, as Worden's property is directly across the river from his and the Fell property is right next door.

"I probably enjoyed the use of that sandbar more than all of the boaters," said Allen. "I just want people to know that I'm not responsible for this."

Previously, the area fell under riparian rights, when landowners have the ownership of submerged land extending from their property to the center of the water. Under riparian rights, the sandbar would be private property only if the property between the mainland and sandbar rested above water.

Allen and other riverfront property owners have voiced concerns about the barricade.

"They have changed the flow of the river," said Allen. "A new sandbar is going to be formed."

But the sandbar in question was submerged some days and visible on others. The Sheriff's Department reported in 2001 that numerous complaints were made by surrounding property owners about noise and littering at the sandbar.

Now, the issue of riparian rights is out the window with the area being designated as wetlands.

"These are two separate issues now," said Newman.

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