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News from Save Our Shoreline, Inc.

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Shoreline Owners Ask U.S. Supreme Court to Review Beach Decision

BAY CITY, Michigan – December 13, 2005

Save Our Shoreline announces that it has aided Richard and Kathleen Goeckel with a Petition for Writ of Certiorari filed today with the U.S. Supreme Court. The Petition asks the high court to review a July decision of the Michigan Supreme Court which for the first time held that private Great Lakes beaches are subject to public use. That ruling changed a 1930 decision that limited public rights to the water's edge. The July ruling extends public rights to the dry shore up to a so called "ordinary high water mark." The decision also extends the public's rights, historically limited to fishing, hunting, and navigation, to include recreational beachwalking. Finally, the decision opens the door for future courts to authorize further public uses which may be considered "inherent in the exercise of" hunting, fishing, and navigation.

"This case is important not just to preserve the private nature of Michigan's Great Lakes beaches," said Ernie Krygier, SOS president, "but also it is an important test of our Constitutional protection of private property," he said. "In 1930, in order to encourage development of the lakeshores, the Michigan Supreme Court told us that Michigan's beaches were private. Based on that ruling, people invested their savings and lined the shores with homes, cottages, hotels, and other development. If the U.S. Supreme Court now allows the state of Michigan to simply take Michigan's shores, then no one's property can be considered safe from government confiscation," said Krygier.

Although many commentators focus on the right of beachwalking, SOS is primarily concerned with the expansion of public control over Michigan's beaches through the so-called "public trust doctrine." If the Michigan decision stands, then government, and not individual owners, will decide how the beaches will be used, and whether fees will be charged for beach use. For example, state and federal government officials have opposed beach maintenance along the Saginaw Bay on the basis that it violates the public trust doctrine. Those same government officials steadfastly oppose beach grooming at the Bay City State Park Recreation Area, whose once widely renowned beach has been converted to a vast wetland inundated with nonnative, invasive species.

Founded in 2001, Save Our Shoreline is a nonprofit membership basis corporation of nearly 3000 households committed to the preservation of beaches and waterfront areas, and to the protection of rights to maintain beaches and waterfront areas. Those interested in Save Our Shoreline can find more information at <<http://www.saveourshoreline.org/>> or by calling (989) 667-2910. The Petition For Writ of Certiorari filed with the US Supreme Court can be viewed at the website. For more information about this press release, contact Ernie Krygier at (989) 793-3711.

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