

**FOR IMMEDIATE RELEASE**

**STATE APPEALS COURT REBUKES  
MDEQ POWER GRAB OVER BEACHES**

**BAY CITY, Michigan – May 17, 2011**

Save Our Shoreline today announced that the Michigan Court of Appeals has rebuked an attempt by the MDEQ to increase its jurisdiction over Michigan's Great Lakes beaches. In Burleson v MDEQ, the Court said in a published decision that the agency could not require a landowner to obtain a permit under a 1955 law to build a cottage on Lake Michigan.

The 1955 Great Lakes Submerged Lands Act gives the MDEQ control over land the state owns—either outright or in trust for the public—below a defined ordinary high water mark (OHWM) of 579.8 feet above sea level. Up to 2005, the MDEQ followed this statutory elevation for its jurisdiction. But in 2005, the Michigan Supreme Court said the public had rights to the “natural ordinary high water mark.” Seizing on a reference to the “natural ordinary high water mark” in the 1955 law, the MDEQ decided it was not constrained by the 579.8 limit, and decided it could regulate the Plaintiff's property at an elevation of 585 feet above sea level.

In rejecting this power grab by the state's environmental agency, the Court of Appeals said the MDEQ's position “strains credulity and common sense,” and that use of the word “natural” refers not to an elevation, but to a point as it would exist without interference by humans.

The decision did not deal with another important issue, which is whether the statute grants the MDEQ jurisdiction over privately owned land.

Founded in 2001, Save Our Shoreline is a nonprofit membership basis corporation of approximately 3,000 households committed to the preservation of beaches and waterfront areas, and to the protection of riparian rights, including the right 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. For more information about this press release, contact Ernie Krygier at (989) 793-3711.

###