

“Corps of Engineers keeps ban on digging lakeshore weeds”

I understand, that the Army Corps of Engineers has denied all beachfront property owners the right to maintain their beach areas, as they have been doing for decades, because the Corps believe that it is their regulatory authority to protect the growth of “emergent wetland vegetation”. They are threatening to fine anyone for raking or leveling sand or pulling weeds on their beach area.

First of all, this is not “emergent wetland vegetation” except by some fiction that the Corps has created, these are “emerging beaches”. If and when the water recedes the exposed land is owned by the beach front property owner. It is also true that when the water covers one’s beach area then the area newly covered by water is no longer owned by the beach front owner but are now considered bottomlands owned by the State.

There should not be any question as to ownership of the beaches. The Michigan Supreme Court and the current Attorney General agree that where property abuts a shoreline, that shoreline is the boundary of the property notwithstanding its subsequent advancement or recession.

The Corps’ actions are about as unreasonable and unenforceable as a local official telling non-shoreline property owners that they now have control over their gardens and there is now a ban on digging garden weeds or if you have a low spot in your yard you shall not fill it in. I think the mosquitoes would love this, just like the mosquitoes love the low water filled areas on the beaches. Let us not forget about the West Nile Virus. Ted Walker, an internationally know MSU entomology professor recently said, “ I predict that West Nile is here to stay, and it will settle into endemic status where we’ll have regular bird disease in crows and occasionally we’ll have human and horse cases.” Remember, the West Nile virus can infect and kill humans and other mammals.

I agree with Ernie Krygier, Save Our Shoreline ([www.saveourshoreline.org](http://www.saveourshoreline.org)) , “We want to be able to maintain our beach. That’s our bottom line.” We have been maintaining our beaches for decades without any help from the Corps or DEQ. Now they want to turn 3,000 miles of Michigan’s shoreline into a large patch of weeds and a haven for mosquitoes. Of course the consequences, if the Corps and DEQ get their way, are predictable. The tax base will go down by at least one-half, that is good news for property owners who believe they pay too much tax already, but bad news for schools, roads and other programs funded by property taxes. Tourism is already having its problems. Now I am sure that people from all over will flock to our shores and lay in grass infested with mosquitoes, rodents and snakes.

Don Reinke, a biologist with the Corps, said, “We’re looking seriously at referral right now... at picking out cases.” I presume he was talking about imprisonment and fines that could reach \$25,000 for bending over to pluck a weed from one’s own beach. I think the Corps must be seriously over budgeted to be spending this kind of time and effort on a few weeds, trying to destroy tourism and deteriorate Michigan’s tax base. I, for one, will

request that Federal and State Legislative bodies reduce the Corps' funding and have the Corps look into beach re-nourishment of Michigan's shoreline. It is a perfect time to add sand depth to all the beaches especially the public beaches. It seems the Corps likes to spend millions in NY, NJ, VA, NC, SC, FL and CA for beach re-nourishment, but really does not care about spending a dime on re-nourishment of our shoreline.

A recent study by the Corps, after spending \$8 million over a 7-year period, found that, "Impacts of beach nourishment to intertidal and near shore fauna, larval and juvenile fish assemblages, and fish food habits were minor and short-term. Suspended sediment and turbidity plumes associated with placement were limited to within a few hundred meters of the discharge pipe and concentrations were less than those experienced during storms." Other reports indicate that beach re-nourishment significantly improves property protection and tourism. What are they waiting for? It very obvious when you look at their relationship with various organizations they want the entire 3,000 miles of Michigan shoreline to be weeds and declared a wetland. Is that what Michigan wants?

Joseph E. McBride  
Retired Naval Officer, Attorney  
Caseville/Sand Point Area  
[jmcbride@avci.net](mailto:jmcbride@avci.net)

joealltr