

SOS

SAVE OUR SHORELINE

November 2006 Newsletter

Protecting Riparian Rights and Michigan's Great Lakes Beaches

UNSETTING THE SUNSET: WORKGROUP ADDRESSING EXPIRING BEACHGROOMING LAW



After the U.S. Supreme Court's extremely disappointing refusal to consider the *Glass v Goeckel* case, we've turned our energies to the sunset provision of the beachgrooming law, 2003 PA 14. As of June 5, 2006, the vegetation removal provisions of that bill expired, and without our action, the protections of the law would have been lost. But SOS members once again answered our call, with about 500 shoreline owners attending meetings in Bay City and Traverse City to let the MDEQ know we are not happy. As a result, we are negotiating with environmentalists and regulators on a permanent solution to

the beachgrooming debacle. In the meantime, the MDEQ has issued an interim policy statement, with input from SOS, that should help most SOS members keep their beaches clean.

Your SOS board looks forward to getting this beach grooming debate behind us and looking at real environmental issues like muck (algae), water quality, and phragmites control.

Thanks for your continued support. Together, we are making a huge difference!

Ernie Krygier
SOS President

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LET'S CELEBRATE!



Founded in August of 2001, this past August marked the five-year anniversary of Save Our Shoreline. Imagine our beaches without SOS, and then celebrate the joining of shoreline owners to protect perhaps Michigan's most precious asset: its beaches!

SOS MEMBERS ARE UNITED by Betty Pattullo



As a Save Our Shoreline member you can help preserve and maintain your property rights and historical beaches by:

- Convincing your neighbors to join, because the more members we have, the more influence we have in Lansing and Detroit; and being an active member in SOS yourself;
- Sharing your newsletter with your neighbors and
- Displaying your SOS sign on your property so that it is visible from the road;
- Writing to your local newspaper, and expressing your concerns about your beach or water front issues;
- Writing an article for the SOS newsletter;
- Ensuring that SOS has your email address so the

SOS board can contact you immediately and inexpensively when an important issue arises;

- Writing or calling your legislators about important issues that affect our shoreline and letting the SOS board know their responses; and
- Becoming an SOS board member. We are always interested in new ideas and energy, for we have so much to accomplish.

TREASURER'S REPORT by Chuck Groya

I want to thank all our members for their support over the past years. Without your generosity and support we would not be where we are today.

I would like to encourage any of our members that have not paid 2006 dues to please do so. I strongly believe that dues of \$25 (\$100 if you can afford it) per year is a small price to pay to have your SOS board of directors, an expert team of lobbyists, scientists and attorneys guiding us and protecting our property rights both state and federal.

Another year has come and gone and we have learned that expert advice is expensive. But their leadership and counsel have been invaluable.

I will have a financial report with me at the October 26 annual meeting. If anyone has any question about where your money is going I will be happy to review the expenditures with you. Our current balances are:

Legal:	\$62,146.32
General:	47,588.36
PAC:	17,962.91
Bay City State Park Cleanup:	201.68

The State Park cleanup funds were from donations and fund raising by area 7-Eleven stores, and their generous customers. Thank you again!



ARE WE LOOKING FOR YOU?



If you are an SOS member with a background in law enforcement as an investigator or criminal prosecutor and would be interested in becoming part of a group of people looking into

possible color of law violations by the Michigan DEQ and the Army Corps of Engineers, please contact SOS member Richard Mayor of Suttons Bay at rbubbam@earthlink.net.

LEGAL CORNER by Joseph McBride

This year has been one that brought your organization, SOS, into direct face-to-face combat with MDEQ, Ducks Unlimited, Michigan Sea Grant, MDNR, Tip of the Mitt, and others. The MDEQ issued a report, based on a study they were ordered to do by 2003 PA 14. That report said the beach maintenance activities authorized under PA 14 ("Temporary Beach Maintenance Act") should come to an end and these organizations readily agreed. That is, vegetation removal would cease after June 5, 2006 and grooming and leveling of sand would cease after November 1, 2007 unless the shoreline owner applied for an individual permit (usually an expensive 3 to 6 month process) for these activities.

The reasons are many, but the MDEQ and the scientists they hired said that the vegetation removal and prolonged beach maintenance activities harmed fish and wildlife. The report was to be presented to the legislature no later than January 1, 2006 but the MDEQ did not release the report until mid March 2006. This prevented SOS from responding quickly since we did not know what we had to respond to until the report was released. Once we got the report, we used part of your generous donations to hire four scientists: two PhDs, one M.D. with a PhD, and one with a Masters Degree.

We asked each of them to independently review the report and to give us their analysis of the report. Their

final report has been published and is available on our website for you to download at www.saveourshoreline.org. The SOS scientists raised over 250 questions on the study and noted several severe problems with it. We will illustrate just a few of the problems below:

- The MDEQ's study failed to meet the minimal requirements of PA 14 of 2003 in that none of the research was specifically designed or undertaken for the purpose of evaluating the impacts of the maintenance activities as required under PA 14 of 2003 (PA 14). It looks like the study was done to continue the DEQ's interest in fragmentation as opposed to doing what the Legislature required the DEQ to do under PA 14.
- The studies exceed the scope of PA 14 for they looked at impacts such as dredged channels and canals, areas containing fill, and state parks beaches, as well as areas where maintenance activities have been undertaken for decades, not simply as a result of PA 14 authorized activities.
- The MDEQ studys' methodology was problematic in they indicate that the initial design called for contiguous reference (functional wetlands) and treatment sites (mowing, raking, hand pulling and filling on historically maintained beaches) but the design had to be modified and was done without adequate rationale or justification.
- The MDEQ studies had a disproportionate number of

sample sites in each category of treatment sites compared to numbers of reference sites and this alone allows for significant errors on the statistical analyses.

- The MDEQ studies extol the concept that stagnation, anaerobiosis and perhaps even reducing conditions are a healthy and desirable condition for the water column in parts of the aquatic environment of Lake Huron and presumably the other Great Lakes. This concept is foreign to some scientists and research always leads most to believe that healthy aquatic systems should remain aerated not stagnate
- Many of the conclusions of the report are compromised by the failure of the report to provide information about sample sizes and morphology and ecology of the individual sampling locations.
- The MDEQ's scientists did not discuss the health impacts associated with the low water we have been experiencing for the past six years.
- As such, these shallow pools fill with decaying vegetative matter, the stench of which is often noted in nearby residential areas. These pools of stagnant water may also potentially serve as incubators for organisms, or vectors of organisms, that may cause human disease. These include a multitude of potentially fatal viral diseases, spread by mosquitoes, as well as other diseases caused by direct exposure to

bacteria and parasites. In addition, they attract domestic and wild animals that defecate and urinate in and around them. Dead animals have been described decomposing in them. Because of their relatively warm temperature, their shallowness, and their closeness to houses along the beach, these pools unfortunately are often used by young children to play in, thus potentially exposing themselves to myriad pathogenic organisms.

We thank all of you that support SOS, for without your financial support we would be left with a defective study the MDEQ rolled out for the legislators' consumption which would not be in the best interest of the people of Michigan. We must be careful of scientists who try to elevate their beliefs to a science.

We have serious problems with algae (muck), *Phragmites*, West Nile Virus, invasive species and a whole range of issues that affect our Great Lakes. The MDEQ must begin to focus on these important issues and stop chasing windmills.

The people of Michigan and our visitors need to know that our legislators will insure that historical beaches will continue to be groomed and healthy and that our historical wetlands will be protected from development. These are two separate and distinct resources that generate their own value to the state. Your SOS Board is working with our legislators to see that this happens.



SAVE OUR SHORELINE

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OUR MISSION:

“To organize waterfront property owners and those with similar interests consistent with the goals of the organization; to preserve and maintain riparian rights, including the right to maintain safe recreational beaches and waterfront areas, both public and private; and to preserve and maintain a proper balance for the coexistence of man and nature upon and near waterfront property.”