

SOS
SAVE OUR
SHORELINE
www.saveourshoreline.org

August 17, 2012

Lana Polluck, U.S. Chair
Joseph Comuzzi, Canadian Chair
International Joint Commission
2000 L Street, NW, Ste. 615
Washington, D.C. 20440

Re: International Upper Great Lakes Study (IUGLS)
Restoration Analysis

Dear Chairs Polluck and Comuzzi:

We write to urge the IJC to further study the restoration of water levels on Lakes Michigan-Huron, and move toward prompt implementation through constructing a regulation structure.

Save Our Shoreline is a grass-roots organization of about 3,000 families whose mission includes "the protection of riparian rights," which includes the right of access to the water. The bulk of our members own shoreline property and reside on the shores of Lakes Michigan-Huron, and more specifically on the Saginaw Bay or Grand Traverse Bay. While the opinions of people from other geographic regions may be affected by the effects of Global Isostatic Adjustment, we note that the Grand Traverse Bay and Saginaw Bay are among the areas least affected by that phenomenon. Thus, we believe we are in a unique position to offer input on the issue of water levels from a less biased perspective.

We applaud the IJC for responding to public concern and expanding the scope of the IUGLS to include possible restoration options as set forth in Chapter 7 of the Study. As you know, our attorney and former vice president, David Powers, served the Study for five years, including the position of PIAG U.S. Co-Chair and Study Board member. He has kept us informed on Study issues, and our Board recently met with him to discuss the Study's restoration analysis. As a result, we believe we are well informed about the Study, and the relevant issues.

While we respect the view of the Study Board that "remedial measures [in the St. Clair River] not be undertaken at this time," our view is that the IJC should begin further study—and ultimately, implementation—of a regulation structure which restores and regulates water levels in Lakes Michigan-Huron. As noted in Chapter 7 of the Study report, a series of activities since 1855 by man has permanently reduced water levels in Lakes Michigan-Huron by nearly 20 inches. A graph of these changes clearly shows a consistent trend toward lower water levels. Had structures been erected in the river in the 1930's, as then proposed, the beaches and wetlands of Lakes Michigan-Huron might look markedly different than they do today. In areas like the St. Clair flats and Saginaw Bay, for example, a small change in water levels can make a dramatic difference.

Moreover, while we acknowledge the Study Board's conclusion that conveyance *changes* are not *ongoing* (Study Report, Chapt. 7, P. 113), the fact remains that due to unplanned erosion in the St. Clair River, as disclosed by the 2005 Baird report for the GBA Foundation, an increased conveyance capacity that has grown since the 1962 dredging remains unmitigated.

We understand from your Study that even if we started now, it might take decades to complete construction of a regulatory structure, and thereafter increase lake levels. Given the history of consistent water level reductions since 1855, the unmitigated and unplanned increase in conveyance in the St. Clair River since 1962, and the uncertainties presented by climate change, we believe it would be irresponsible not to begin the process toward a regulatory structure now.

We recognize that the effect on coastal property owners was an important part of the Study Board's decision-making process. We understand further that there will be winners and losers from regulation and some level of restoration. Specifically, we are cognizant of the concerns of those in West Michigan who will be affected by higher water levels. We are also aware that people have "adapted" to lower water levels by building homes or structures without adequate regard for the historical variation in lake levels. We acknowledge the projected increase in shoreline projection costs due to restoration of \$500,000 to \$3 Million annually. Yet, if we let these concerns rule our actions, the logical result will be a continuing reduction of

water levels that will have no end. Indeed, this is what we have experienced since 1855. Action is required to stem the tide of water loss in Lakes Michigan-Huron.

We do not relish the thought of further interfering with the natural order of Great Lakes water flows, or the idea of increasing government control of those flows. Our recommendation is necessitated by the decisions and actions of those who came long before us.

Another issue which has not received adequate consideration is the impact of water-level manipulation on riparian ownership. To our knowledge, in most Great Lakes states, boundaries between private and public rights are determined in some form by the level of the water. Whether those rights are determined by the "water's edge," an "ordinary high water mark," or some other boundary, such a determination for a given property is determined by water levels. In the case of public rights established based on concepts of "ordinary high water mark," a consistent lowering of average water levels over time can have negative effects on the myriad legal rights of shoreline owners.

Thank you for considering our views, and for all the good work you and the IJC do on behalf of the people of our region.

Respectfully,



ERNIE KRYGIER
SOS President