

SOS Wins Freedom of Information Act Lawsuit Against University of Michigan.

In 2007, the University of Michigan's Sea Grant program sent its "Along the Shore" information pamphlets to hundreds of shoreline owners around the state. The slick, colorful pamphlets purported to explain your shoreline ownership rights. The problem, of course, is that the pamphlet had a bias. It presented only the view of the MDEQ and its allies, like Sea Grant, Tip of the Mitt Watershed Council, and others. The pamphlet was misleading and, in some respects, simply wrong.

At about the same time, the MDEQ issued its pamphlet entitled "A Landowner's Guide to Phragmites Control." The purpose of that guide is to convince shoreline owners and others to pursue complicated and expensive methods for eliminating phragmites, instead of simply removing all vegetation, or mowing, which work much better.

SOS wanted to respond with pamphlets of our own, so we requested that Sea Grant provide its mailing list. It refused. Obviously, it did not want you and other shoreline residents to hear a different viewpoint.

So SOS sued for the list under the Freedom of Information Act. And we won. Better yet, the lawsuit ended up costing SOS members nothing. The Bay County Circuit Court ordered the University of Michigan Sea Grant program to pay all of our attorney fees and expenses.

Why did we sue? First and foremost, we wanted to provide shoreline residents with accurate information about their rights, and about the best ways to control phragmites. But we also wanted to establish an important precedent: government bureaucrats can't use our money to spread political propaganda to people on secret lists. Finally, we wanted to send Sea Grant, MDEQ, and other allies an important message: SOS will use all means available to protect the rights of shoreline residents, and will continue to point out how these agencies violate the law in an effort to achieve their misguided policies.

Perhaps a new year, an economic crisis, and twelve more inches of water will calm the effort to control our beaches and convert those beaches to something different. But if not, SOS will be here to fulfill its mission: the preservation of riparian rights, including the right to maintain private and public beaches.

As soon as SOS receives the list, we will respond to the "Along the Shore" information with a common sense perspective.