

# SOS

## SAVE OUR SHORELINE

1. **BACKGROUND:** In 1930, the Michigan Supreme Court held that Great Lakes shoreline owners owned to the water's edge, and this holding has since been well-followed by the courts and opinions of the states attorney general. Nevertheless, regulators and environmental advocates continue to dispute this proposition, arguing that private ownership ends at the so-called "ordinary high water mark," and that the state owns the dry beaches below that ambiguous mark. In the 2005 case *Glass v. Goeckel*, the Michigan Supreme Court declined to address this question.

QUESTION 1: Would you support legislation declaring that Great Lakes riparian's own to the water's edge? Please circle your position:

<u>Strongly Support</u>		<u>Neutral</u>		<u>Would Not Support</u>					
1	2	3	4	5	6	7	8	9	10

2. **BACKGROUND:** In 1930, the Michigan's Supreme Court held that Great Lakes riparian ownership included the riparian's right of exclusive use of their land to the water's edge. That holding had since been well-followed in court decisions and opinions of the state's attorney general. But in the 2005 case of *Glass v. Goeckel*, the Michigan Supreme Court ignored that precedent and announced that the public had a "public trust" right to walk on dry Great Lakes beaches up to the so-called "ordinary high water mark," a term the court conceded was "little defined" in Michigan jurisprudence.

(see back)

QUESTION 2: Would you support legislation that nullifies the 2005 Michigan Supreme Court decision and restores exclusive use rights to the dry shore to their Great Lakes riparian owners? Please circle your position:

<u>Strongly Support</u>		<u>Neutral</u>		
1	2	3	4	5

**Rick Olson - Ready to Serve as Your Voice for**

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3. **BACKGROUND:** After expanding the public's use to include beaches up to the "ordinary high water mark," and conceding that mark was "little defined," the *Glass v. Goeckel* court adopted a definition from Wisconsin as being:

The point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristics.

Two justices dissented, and said that the public's rights end at that distinct line where sands wet from the continuous washing of the waves and the water? Please circle your position:

<u>Strongly Support</u>					<u>Neutral</u>					<u>Would Not Support</u>
1	2	3	4	5	6	7	8	9	10	

4. **BACKGROUND:** In 2003, the state legislature passed beach grooming law, 2003 PA 14, which specifically authorized certain beach maintenance activities (see below). In the debate, some argued that the beach grooming problem was a temporary one, as water levels would certainly soon return to normal. Accordingly, the law had a sunset provision. Unfortunately, the sunset provision occurred before water levels returned to normal. Water levels remain well below normal, and while state regulators have adopted a general permit authorizing certain activities, there is no guaranty that the permit will be renewed.

**QUESTION 4:** Would you support legislation that removes the sunset provisions of 2003 PA 14 to permit Beach Maintenance Activities on Great Lakes riparian lands conducted above the water's edge? "Beach Maintenance Activities" includes, but is not limited to, manual or mechanized leveling of sand, mowing, removal of invasive vegetation (as defined in 2005 PA 77) and grooming the top four inches of the area of Great Lakes riparian lands lying between ordinary high-water mark and the water's edge as from time to time existing. Please circle your position:

<u>Strongly Support</u>					<u>Neutral</u>					<u>Would Not Support</u>
1	2	3	4	5	6	7	8	9	10	

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date