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News from Save Our Shoreline, Inc.

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Court of Appeals Holds Great Lake Shoreline Ownership Goes to Water's Edge.

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The Michigan Court of Appeals has released a published opinion confirming that owners of property along the Great Lakes own to the water's edge. In the case, Glass v Goeckel, the Plaintiff alleged that as a member of the public, she could walk along the dry beach between the water and the so-called "ordinary high water mark" on the shore without interference from the property's owner. The Court of Appeals disagreed, and held that between the competing concepts of riparian rights and the public's rights under the public trust doctrine, "[t]he dividing line between the two is the water's edge." The court went on to say that the shoreline property owners "have the right to the exclusive use and enjoyment of their land to the water's edge . . . and may properly prohibit Plaintiff from traversing beyond the water's edge."

Save Our Shoreline contributed to the decision by submitting an amicus brief drafted by SOS vice president and attorney David Powers, and the decision closely follows that brief. A copy of the decision and the SOS brief are available at <http://www.saveourshoreline.org>.

"We have said all along that we own to the water's edge, and this decision confirms for modern times what the courts have repeatedly said since 1930 and before," said SOS President Ernie Krygier. "The decision is a severe blow to the MDEQ's constitutionally unsound assertion that the Great Lakes Submerged Lands Act sets the boundary between public and private property at the ordinary high water mark," said SOS Vice President Powers. "The court rejected the Plaintiff's assertion that the statute granted her any rights as a member of the public," he said.

Save Our Shoreline was able to contribute to the decision-making process as a result of its legal fund, generously supported by its members. "This case demonstrates the importance and the effectiveness of our legal fund," said Joseph McBride, SOS director and Legal Fund chairman.

Founded in 2001, Save Our Shoreline is a nonprofit membership basis corporation of nearly 2000 households committed to the preservation of beaches and waterfront areas, and to the protection of rights to maintain beaches and waterfront areas. Those interested in Save Our Shoreline can find more information at <http://www.saveourshoreline.org> or by calling (989) 667-2910. For more information about this press release, contact David Powers at (989) 892-4861.

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