

SOS

SAVE OUR SHORELINE

SOS APRIL 2009 NEWSLETTER

WWW.SAVEOURSHORELINE.ORG

NOTHING STAYS THE SAME

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A lot of years have passed and we are still fighting for our property rights. All we want to do is maintain our beaches. We have worked hard with the state. We continue to work with the Army Corps.

They want to be able to tell us what we can do and cannot do. Now that the State of Michigan is running out of our money, Governor Granholm is talking about taking the D.E.Q.'s wetland jurisdiction away. I believe that this may help us with our beach issues.

Instead of working between the D.E.Q. and the Army Corps we will only have to do battle



Krygier

with the Army Corps.

We have spent almost a full year working with attorneys on a game plan to work with the Army Corps. We plan on meeting with the Corps this spring. I hope to work out an agreement like we did with the D.E.Q. to maintain our beaches. I'm sure we have good information and directions to sit down and work out a regional permit with the Corps.

We have new board members. With the start of a new year, it is with deep regret that I had to say good-bye to another great friend and S.O.S. leader,

Dave Powers. Dave is now spending much deserved time with his two young boys and wife. I am glad he has his life back. Dave gave S.O.S. many, many years of service. I am sure that Dave will still be on the side lines. It is now up to us, the new board to continue the work for S.O.S. to defend our rights against unreasonable regulations that would turn our beaches into an unusable beach.

Together as S.O.S. members we have made a difference.

Have a great summer.

Ernie Krygier
SOS President



Treasurer's Message

Thanks to everyone who supported SOS last year by paying dues and donating to our Legal and PAC Funds. Without your support we could not address the issues confronting our shoreline. Disappointedly, I have to report that the number of members paying dues has been dropping over the last couple of years. This may be due to not enough communication. Your SOS board met in December to put together a plan for next year. To improve this, your communication committee now has 4 members and will be updating our members on a regular basis.

Another reason for dues paying members dropping may be that they feel things are going well on their shoreline. I can say without a doubt, if not for SOS, that would not be the case. We are still not safe from the invasion on our shoreline, muck, invasive species and sewage overflows that still haunt us. Also there are still many threats out there from others that want control of the shoreline. An example of that on the State level is: recent bills passed creating a "Water Resource Conservation Advisory Council". On that council was to be, "representative of a statewide riparian owners association". The DEQ nominated a "Watershed Management Outreach Specialist" from the department of Fisheries and Wildlife, and that nomination was approved. Does that sound like a riparian owners association? Next was the organization of a "wind energy advisory committee" (guess where some of those wind mills may be located) also with no representative from shoreline property owners. It does appear that Ernie may be joining the committee soon.

On the federal level, the Corps is denying or delaying approval of beach grooming permits in many areas. The rational is, "under normal circumstances this beach would be vegetated." The DEQ and Corps can create regulations with a stroke of a pen.

If citizens do not agree with the regulation, we must go through a long and expensive legal or legislative process to have the regulation changed. Your board receives correspondence from many sources, including current and former Legislators related to the arrogance of many of the bureaucrats we have to deal with. SOS must remain strong to protect your rights, as a former Legislator said, "united we stand divided we fail."

There are many volunteer SOS board members working several hours a week to protect your rights. In our recent survey our membership gave the board permission to hire an executive director. Your board, in trying to save money, decided to hire work out on an "as needed" basis and review the ED position later in the year.

As you can see, SOS has a lot of work ahead of us. With all members help and support I know we can continue to be successful. When your 2009 dues notice comes at the end of July please respond favorably and encourage your neighbors to pay their dues or join SOS if they have not done so.

Thank You all again for your support; A special thank you to the **Marjorie M. Trahan Trust** and the **Dirk B Waltz Trust** both from South Linwood beach and **Laurie and James Gartner** from Traverse City for their generous support of Save Our Shoreline throughout the years.

Chuck Groya,

Save Our Shoreline, Treasurer

Political Action Committee (PAC)

What is a Political Action Committee and why does SOS need one?

In the United States, a political action committee, or PAC, is the name commonly given to a private group, regardless of size, organized in order to promote legislation, often supporting the group's interest or concerns. In many ways a PAC is like a business; it is only as successful as the level of support it receives from the people whose interest it has been established to protect. Like any business, SOS needs to advertise. Each PAC is required by law to report all donations and expenditures three times per year to the State of Michigan Bureau of Elections.

We will go out on a limb here and assume most of our members are not aware of how your PAC dollars are spent. In order for SOS to get our message out to our legislators we need to have contact with them. Many of our politician get so much written information they do not have time to read it all. So it has been critical for us to spend time in Lansing and around the State attending fundraisers so our mission and goals are stated correctly. It is also much easier to work

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Political Action Committee (PAC)

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with someone in Lansing when you have had some prior contact on friendly terms.

SOS has hired Kelley/Cawthorne in Lansing to represent us. Frank Kelley (Former State Attorney General) and Dennis Cawthorne (Former House Republican Leader) are the firms founders and are still very active in Lansing.

We receive requests for our PAC funds through our lobbying firm, or a written request directly to the SOS board from a politicians committee. The board discusses the request and with advice from Pat McCollough (Former State Senator), our representative at Kelley Cawthorne, we make a decision on honoring the request. We support functions based on who has been helping SOS, who we feel will help us, and who we need to spend more time with to make sure our message is received correctly. We try to have SOS board members attend as many functions as possible. (Ernie has probably gone through one set of tires to this point). When we can not attend, Pat McCollough will attend for us. We are proud of the fact that we are thought of so highly in our state that we have been asked by several top State office holders for an endorsement. **We do not endorse any candidate or political party**, but when possible we will share the names of the folks in Lansing that have been friends of SOS.

Again, we thank you. Without your support we would never have had the opportunity to make sure SOS is represented properly and on a professional basis.

Thank You,

SOS – PAC Committee

Army Corps of Engineers Update

This is an update of our ongoing efforts to have the Army Corps of Engineers (ACOE) process Regional Permits in a timely and equitable fashion. As most of you know, both the Regional and Individual permits take enormous amounts of time to process, create reams of paper and frankly, shoreline property owners are not treated consistently fair. Many of those who have submitted requests under the Regional Permit in October 2007 have not received an approval or denial from the ACOE as of today.

Occasionally the ACOE will turn a request for a permit under the Regional Permit process into an Individual Permit. The Individual Permit process takes even longer and requires even more correspondence and paper work. One of our members in Suttons Bay, Victoria Oltersdorf, purchased her beach property a few years ago and she wanted to legally maintain her beach. Victoria's beach and her neighbor's property had been groomed for decades and she figured the permit process would take a short time. After 2 years of writing letters and following up, Victoria has just received her permit to groom. SOS feels this is just too long to wait for a permit.

Therefore, SOS has hired a law firm in Grand Rapids to review the ACOE permitting procedures. Under the Freedom of Information Act, we have been able to review the permits granted to the state and county beaches. We are in the process of comparing the review process as it applies to state and county beaches (public beaches) and shoreline property owners (private beaches). Our analysis is not yet complete, but as suspected, there are some differences that we believe are not permitted under the current regulations and Federal Law.

Our intent is to complete the analysis and submit our recommendations to the ACOE, meet with the ACOE and if that fails to produce the results that we believe are reasonable and appropriate, to spend some time in Washington, DC and file a law suit to bring attention to the matter.

For those of you who have submitted a request for a Regional Permit to the ACOE and have not received an approval or denial, it is important that you provide a copy of your permit application and a brief summary of when you submitted it and what communication, if any, you have had with the ACOE. Please send your information to the Chairman of the Legal Committee: Joe McBride, SOS Legal Chair, PO Box 2307, Bay City MI 48707

There is a Customer Service Survey web site where you can let the ACOE know how you think they are doing. Feel free to go to the web site and let the ACOE know your feelings. The site is at <http://per2.nwp.usace.army.mil/survey.html>.

Ernie Krygier Goes to Lansing

SOS's hard working President, Ernie Krygier and his trusty side-kick Treasurer, Chuck Groya spent Wednesday, March 25, 2009 handing out 100 booklets to our legislators on SOS's position responding to Governor Granholm's proposal to eliminate MDEQ enforcement of the State's Wetlands Protection Act.

The booklet points out the four main reasons to support the Governor's proposal:

1. MDEQ wetland enforcement results in unnecessary duplication of effort with the Army Corps of Engineers.
2. MDEQ's dual enforcement with the Corps of Engineers is complicated and confusing.
3. MDEQ Wetland Protections Policies have been counter-productive.
4. MDEQ wetland enforcement has been expensive.

SOS's board believes there is no reason to require a permit from the MDEQ and ACOE. The current process is a waste of taxpayer's money and is too time consuming. If you have not done so yet, call, write or email your State Representative and Senator and let them know how you feel about the Governor's proposal.

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.

For the SOS Membership by Patrick H. McCollough

Our beautiful Great Lakes are arguably the greatest treasure on earth. Everyone wants a piece of them. Our water is sought by the dry regions of North America and the world. The desire to transit over them is highly prized. Yet it has resulted in numerous harmful infestations to them, including phragmites, algal blooms, chemical and sewage pollution, and many destructive species of fish and foreign vegetation. All of this to provide the world with iron ore, coal, and grain. It seems everyone wants to use the shoreline for strolling, partying, boating, hunting, fishing, and recreational vehicle use. Yet no one wants to clean up the mess or pay for the privilege.

Only great lakes shoreline property owners pay through their purchase price of lake front property and high taxes. They also pay through their valuable stewardship of the shore line. They pick up the litter and clean up the muck. Still, they suffer all of the excesses of others including the loss of privacy and peaceful enjoyment of their property. They are constantly under threat of taking by others including government regulators, who also want to control the shoreline without paying for it. As much as 92% of the property tax bill in rural counties is paid by the folks who live on, or own, property on the thin strip of land along the great lakes shore. Decisions are being made all the time by our friends in government about your property rights. Fortunately you have some one at the table protecting your interests. Make no mistake, only one organization stands up for your property rights and fights for great lakes shore line property owners. That organization is **Save Our Shoreline, SOS**.

SOS has become an important participant in the decision making process because of your paid membership support. If you want that advocacy and protection of your investment to continue, you have to continue your support. You may not realize it, but very few citizen organizations survive for longer than a year or two. **SOS** is in it for the long haul with your support. Organizations that rely on private citizen support without the big bucks support of philanthropists or commercial, industrial, or environmentalist money have a very tough battle to survive. **SOS** relies exclusively on the support of private citizens like you. How important is it to you to have your shoreline safeguarded by professionals in your corner? We're sure you realize that **SOS** has become a seasoned veteran advocacy group. It is well respected. It has achieved success in passing laws and shaping regulations. It supports its friends and punishes its enemies. Its political friends rely on it being around to support them in the many battles that lie ahead. Even today it is serving on legislative work groups that are shaping the future rules that we will all have to live under. Its leadership is tireless and self less. But only you can provide the resources to continue the battle. **SOS** has retained the service of top law and government relations firms to work on your behalf. These are important services that few if any could pay for on their own. **SOS** has retained the services of Kelley-Cawthorne, the number one ranked government relations law firm in Michigan. Of the several thousand lobbyists in Lansing, ours rates first by an independent survey of legislators, staff, and members of the Executive branch. Your **SOS** leadership and its representatives have established enduring relationships with the folks who are writing the regulations that affect the use of your property and your shoreline as well as the lakes themselves. When the recently adopted Great Lakes Compact was being negotiated, you were represented. Language was added insuring great lakes shore line property owners input in future rules and regulations. Furthermore, shoreline property owners have the protection of language that insures that nothing in the documents shall adversely affect private property ownership rights. If there is one thing the struggle to be heard and protected has taught all of us: it is that ancient American admonition to our citizenry that came out of the American revolution: "The price of liberty is eternal vigilance". We must count on each other through our dues and contributions even in these troubled times. We must continue to protect our valued great lakes shoreline. Our vigilance must not cease for lack of support from our own members.

10 Objectives Why Concerned Citizens Need To Support SOS

1. A Check and Balance System that provides protection for owners' property rights from over regulation.
2. To support property owners' needs to remove noxious weeds and feces of gulls and geese which are detrimental to the health of citizens.
3. To unify property owners who are denied rights by government agencies.
4. To support wetland protection and eradicate invasive species; especially phragmites.
5. To generate legislation that clarifies laws so the law is not misinterpreted by government agencies and extreme environmentalists.
6. That private and public beach property be governed equally.
7. To support owners' rights to clean their properties, maintaining the value the property had prior to new governmental regulations.
8. To challenge ACOE and MDEQ science when faulty and results driven.
9. To eliminate the need for permits to maintain our private beaches as we have in the past.
10. To establish that placing the OHWM anywhere above the water's edge for the purpose of taking away private property rights is unconstitutional and has no basis under state law.

SOS COMMITTEE STRUCTURE

Membership Committee

Betty Pattullo, Chair; Chuck Groya and Ray Weber

This committee is chaired by a Board member. The Board member will prepare a report for presentation at each Board Meeting.

- Solicit new members (Flyers, Posters, door to door, Advertisements booths at fairs etc.)
- Analyze cities, towns, and villages for potential members
- Help prepare Correspondence to Members
- Nominations and Bylaws updates
- Review membership solicit members who want to serve on SOS Board
- Maintain Membership

Government Relations/ Political Action Committee

Ernie Krygier, Chair; Chris Pinter

This committee is chaired by a board member.

- Maintain a listing of City/State/Federal Politicians - addresses, emails, telephone numbers, names of local aides and etc.
- Determine individual positions as it relates to shoreline property issues
- Maintain a list of the committees on which elected officials serve
- Prepare information programs for presentation to elected officials by the board
- Maintain regular communications with Kelly Cawthorne and officials to update them with current events

Legal Committee

Joe McBride, Chair; Chris Pinter and Ernie Krygier

This committee is chaired by an attorney.

- Monitor and research ongoing federal and state regulatory actions for Board of Directors
- Recommend to the Board appropriate legal action to pursue
- Recommend to the Board legal firm(s) to represent SOS's interest
- Recommend to the Board the disbursement of funds to pay for legal services

Blue Wave Clean Beach

Dave Kraft, Chair; Betty Pattullo and Laura Olgar

This committee is chaired by a Board member who has experience in science or engineering.

- Monitor local environmentalist meetings and publications
- Research published studies supporting SOS position
- Research and understand published studies that the ACOE and DEQ use to support case
- Assist the board in understanding the science and fiction related to SOS issues
- Develop fact based SOS position documents

Communications / PR Committee

Dave Almeter, Chair; Sue Adams, Ray Weber and Bernie Ulman

This committee is chaired by a Board member.

- Develop a communications plan under the direction of the SOS Board strategy
- Prepare and distribute all press releases
- Prepare outgoing correspondence and newsletters for SOS
- Generate articles of interest to news media
- Maintain communications with local community and business groups
 - ◆ Chamber of Commerce
 - ◆ Convention and Visitors Bureau
 - ◆ Local Governments
 - ◆ Local Marinas
 - ◆ Unions
 - ◆ Farmer's Organizations
- Prepare and present informational programs to local groups

Fund Raising

Chuck Groya, Chair; Ray Weber

This committee will report to the Treasurer and will perform its duties at his discretion.

- Development process to generate needed funds
- Work with Membership and Communications Committees to solicit funds
- Keep database of funds received working closely with the Treasurer and Membership Committee
- The types of funds and activities within the scope of this committee are:
 - Dues Legal Fund Grants Gifts/Donations
 - Merchandise Parties Booths at civic events
- Maintain data base of members
- Process renewal memberships
- Prepare and mail welcome letters to new members

Correspondence and Records Committee

Frank Whalen - The SOS secretary will chair this committee.

- Collect and archive a copy of all incoming and outgoing correspondence
- Collect and archive copies of published articles referring to the organization
- Assembling internal hard copy for distribution to membership (newsletters, meeting notices,...)
 - ◆ Internal E-mail communications
 - ◆ Telephone calling

Regional Action Committee

Ernie Krygier, Chair; Dave Almeter and Ron Graham

The President will serve as chair of this committee.

The committee will be made up of representatives of the various geographical regions that make up the SOS membership. The purpose of this committee will be to assure that the SOS board is kept informed of the regional activities and needs of the membership.

Survey Says

We would like to thank our members for taking time to fill out the survey last summer. We had a tremendous response. We do have to apologize for not being timely on reporting the results. We had a few problems with getting the information back to you. We were able to contact most of our members that had volunteered to assist with different committees. If you were not contacted and still wish to volunteer please give the committee chair a call. The names and phone numbers of the committee chairs are in this newsletter.

The results of the survey are as follows:

95% of those responding had paid their *dues* and were reasonable satisfied with SOS' direction.

64% were fine with your board negotiating the *General Permit* (GP) with the DEQ. Although most felt we should not need a permit and would like the board to work on legislation to remove the need for a permit. There has been some discussion on this issue but we will have to see what will happen with the Governor's plan to have wetlands permitting turned over to the Federal agencies before we go any further.

40% of those responding have *applied for a GP* and 50% of those applying are satisfied with the process.

73% were fine with "*beach walking*" at the water's edge, but shoreline property owners should have the right to exclude people that are not courteous to property owners or the environment. 27% would like walkers to stay in the water and 19% felt beach walking is right.

Almost all of the respondents would like to see *Glass vs. Goeckel* overturned and have the *ordinary high water mark* (OHWM) at the water's edge. Half feel court action is necessary and the other half feel legislation is the way to go. We are looking into both options and will update our members once we have a positive direction.

80% gave the board the permission to hire an *Executive Director* if needed. At this time we are hiring out work as needed and are discussing the ED position.

68% felt SOS should take *legal action against the Corps* related to jurisdiction and the *OHWM*. At this time the Legal Committee is working with Mika Meyers Beckett and Jones law firm in Grand Rapids on this issue. There is an article in the legal corner with more information.

Thank you again for taking time to fill out the survey and help point your board in the right direction.

Membership Application

Thank you for your interest in joining Save Our Shoreline. Please complete the following information and send it to:

Save Our Shoreline
P.O. Box 2307
Bay City, Michigan 48707-2307
989-667-2910
www.saveourshoreline.org

Last Name: _____ First Name: _____

Mailing Address: _____ City: _____

State: _____ Zip: _____ Phone: _____

Email Address: _____ Fax: _____

Name of your beach area: _____

(i.e. AuGres, Bay City, Caseville, Grand Traverse area, Tawas):

- I wish to join.
- I have enclosed \$50.00 (\$25.00 application fee and \$25.00 annual fee). (Please make check payable to Save Our Shoreline.)
- I'd like to donate an additional \$_____ for _____ Legal Fund _____ PAC Fund

Please enter the name you would like to have on the membership roster: _____

Please be very specific. (Example: Bob Jones, Mr. & Mrs. Bob Jones, or Bob and Mary Jones?)

**On behalf of Save Our Shoreline, we thank you for your support in protecting
Michigan's recreational beaches.**



SAVE OUR SHORELINE

a Michigan nonprofit corporation

P.O. Box 2307

Bay City, Michigan 48707-2307

Telephone: (989) 667-2910

SOS OFFICERS AND DIRECTORS:

| | | | | |
|--------------------|----------------|-------------------------|---------------|----------------|
| Ernie Krygier | President | 785 Bay Rd | Bay City | (989) 684-2830 |
| Sue Adams | Vice President | 705 Bay Rd | Bay City | (989) 414-3196 |
| Frank Whalen | Secretary | 293 Donahue Bch | Bay City | (989) 686-2176 |
| Chuck Groya | Treasurer | 745 Bay Rd | Bay City | (989) 667-1884 |
| Betty Pattullo | Director | 2777 Tomlinson Rd. | Caro | (989) 672-2626 |
| David Kraft | Director | 7960 Bay Drive | Sand Point | (989) 856-7653 |
| David Almeter | Director | 3804 Lee Point Rd | Suttons Bay | (231) 271-6554 |
| George Sarris | Director | 2305 N. US Hwy 31 N. | Traverse City | (231) 938-9741 |
| Ron Graham | Director | 789 Bay Rd | Bay City | (989) 414-6426 |
| Christopher Pinter | Director | 1017 Brissette Beach Rd | Kawkawlin | (989) 684-9542 |

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.”