



Save our

Shoreline

March 2016

Message From SOS President Ernie Krygier

Hello 2016 and SOS members. So far our winter has been pretty mild. It did take a while to get good ice on the Saginaw Bay. Now we have some happy ice fishermen. That being said, spring time can start sooner rather than later. A question that I have is how much shoreline will we have this summer? Will we have more or less beach to clean? It was nice last year to have higher water level. The West side of the state may not be so happy--they have had some serious erosion. Many of the rest of us experienced more than normal Eastern winds. This brought a lot of fresh sand to our shoreline. It was great to watch my grandkids running on the beach.



I know that there will be a lot of beach owners cleaning up their shoreline in a couple of months. In most cases, our seniors who live on the beach will get help cleaning from their younger neighbors. I am still interested in information from our members about how things are going to go with the Army Corps of Engineers (ACOE). My hope is that those of us that have been maintaining our shoreline will be left alone. I will let our members know as soon as we hear back from the ACOE.

As our membership is aware, SOS as a 501(c)(4) corporation is unable to participate or engage in political activities. However, as you consider the candidates for the next congress, please remember Tom Casperson. This is not an endorsement from SOS. It is a personal recommendation from Ernie. He has been a

real friend to SOS and shoreline property owners. I would remind you that Tom Casperson visited the annual SOS meeting a few years ago and was the state senator that worked with us to get our beach grooming law passed. Without Tom's leadership that may not have happened. We would still be dealing with the MI Department of Environmental Quality on our beaches.

We need someone like Tom in Washington DC who will work with us in regard to the management of our beaches. I would encourage our membership to support Tom. I plan to do so. Please be sure to read his article in this newsletter.

I really don't know what Mother Nature is going to throw at us this year. We will take whatever it may be. Have a great 2016 and be proud to be an SOS member.

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Water Levels and Property Issues

BY BERNIE UHLMANN

Who would have thought as recently as two years ago that the water levels of Lakes Michigan and Huron would rise and remain as high as they have been this past year? At present, it appears this trend will continue into next summer.

After 16 years of levels 20 inches to two feet below the norm we have been pleasantly surprised by a return to more normal levels. There have been many explanations for the prolonged period of reduced water supplies. We heard that the ground around northern Lakes Huron and Michigan were experiencing a rebound from pressure created by the glaciers during the last ice age. It was global warming that was causing the problem and this prolonged period of reduced water levels was going to continue for time eternal. We had just better get used to it. While both of those issues might be a reality they are not the only reasons for the fluctuations of Great Lakes.

Too much of the water in Lake Huron/Michigan is going out through the St. Clair River. There are times when this is true. In 1986 I was glad the St. Clair River could remove the excess water we had in those Lakes...Water was slapping at people's door steps and there were predictions that this was the new norm. We had better adjust to it. This was the new ordinary high water mark and this was where the people's property rights ended for ever and ever. We had better adjust to it. The Lakes had never done this before and this is what happens when too many people live near the Lakes. These were some of the statements we heard during that time period.

We know that the levels of the Lakes have varied far more than the highs and lows of the last 30 years. There is evidence of the Lakes being ten feet lower during the time of settlement in the Detroit area. The footings of old churches that were established are now under ten feet of water...There is evidence of a forest now covered by 50 feet of water in the area of Michigan's Thumb.

There is a need for the drastic changes in the lake levels. Wildlife needs to have the vegetation growing on the shoreline to survive! Really? These are speculative statements made by different agencies that have an agenda that involves controlling your property. It was during the time of high water levels that the successful repopulation of the Great Lakes Walleye took place in Saginaw Bay. The expansion of that population to the point that they want to reduce the numbers of walleye took place during low water level years. We have geese and swans all over the place to the level where the owners of golf courses would dearly appreciate a reduction in their numbers. We have ducks, egrets, pelicans, and cormorants in numbers unimagined 30 years ago. The increase in the bird population may have occurred because of cleaner water and warmer weather, not because of low water or high water in the Great Lakes. Last year the water was back to normal and those birds were still here. It is difficult to generate any evidence that would support the idea that it is ecologically



necessary for the lakes to go through periods of high and low water supplies.

All summer we heard that this was an El Nino year. It will seem like somebody pulled the plug on lakes. There is going to be a warm winter with little ice cover. This will just decimate the water levels of the lakes in one winter. We had better get used to the new reality. We saw a drop in November that was in line with normal cycle of the Lakes. In December however, Lake Huron/Michigan came up 3 inches instead of falling 3 inches. That is a 6 inch swing to the upside. How can that be happening in an El Nino winter? There may have been little snow during this time period. There were however, excessive rains particularly in northern Wisconsin and Michigan's Upper Peninsula. The warmer temperatures reduced the amount of evaporation that usually takes place at this time. Who knows what will happen as we go into the Spring of 2016. The St. Mary's River is running at above normal volume. This has been ongoing for the last year. Those who control the level of this lake are lowering it by dumping the excess water into Lake Huron/ Michigan. The volume of water in Lake Superior is immense. If we get close to the normal amounts of rainfall in Lake Huron/Michigan, and they continue to dump water through the St. Mary's river, we will have an increase in the water levels keeping us above the levels of 2015.

What we do know is that there is little to be gained by dropping the levels of the lakes. I am not anxious to see them any higher than they were during the summer of 2015. This ongoing variation is not a justification for agencies and wildlife enthusiasts to limit the right of shoreline property owners to maintain their property for its beautification, their safety, and protection. There are people who just cringe at the thought of shoreline property owners being able to remove wood and debris that blow up every spring. There are environmentalists who think the environment is being damaged when a tractor pulls a drag down the beach to rotate the zebra mussels into the sand. They think the excess seaweed that blows up on the beach is a good thing. SOS stands ready with lobbyist and representatives in Lansing who remind these anti private property groups that our rights extend to where the constant washing of the waters leaves a mark in the sand. It is important that you continue your support of SOS. The water level will continue to go up and down. The groups who want to take control of your shoreline property will continue to devise ways to usurp your rights as property owner. SOS is determined to stop them in their tracks. Your support makes it possible for us to do this.

Water Levels

Are They Coming Down?

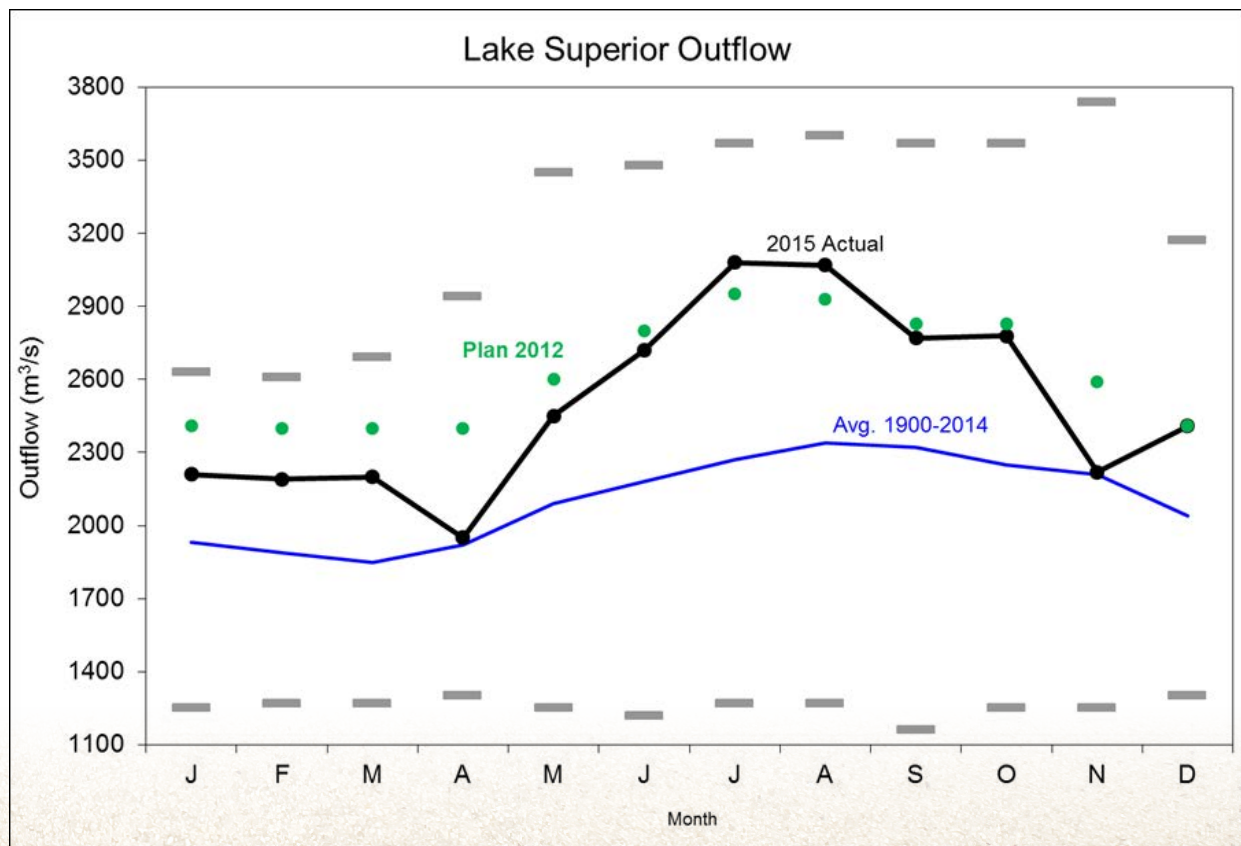
BY ROY SCHATZ

The incomplete answer is “They came down a little in January (2+ inches on Superior and 2” on Michigan-Huron); however official forecasts don’t yet call for further lowering”. But, you might say, the ice cover was much slower even starting and is nowhere near as complete as in the past two winters. Isn’t that an important factor, since ice cover stops much of the evaporation, and open water is supposed to evaporate in the winter as well as during the summer? That is normally true, but there is a catch: the speed at which open water evaporates depends on the difference between the water temperature and the air temperature. Large gap equals rapid evaporation; little or no gap equals a low rate of evaporation. This past fall, and even through December and early January, the Great Lakes water remained unusually warm, with the result that the warm air temperatures from September through December were too close to the warm water temperatures throughout that period for there to be a strong rate of evaporation. That eliminated one factor that contributes to significant lowering of water levels through those months.

Was there another factor? Yes, one might consider it a double blow to those hoping for a rapid lowering of last year’s slightly high water levels on Lakes Michigan and Huron. In the extremely mild December, precipitation, mostly in the form of rain, was 143% of average on Lake Superior and 166% of average on Lake Michigan-Huron. That also led to the decision of the authority controlling the flow through the St. Mary’s River to open more gates in order to send more Lake Superior water to Lake Huron. In fact, that authority had much earlier decided upon a “deviation” from the 2012 flow plan in order to allow a greater-than-average flow to Lake Huron throughout last year. How large was that “deviation”? The 2015 flow was close to 20% higher than the multi-year average. See graph below. Then in December, Mother Nature prevailed once again with her heavy showers.

So, ice cover or no ice cover, the water level remained virtually constant throughout the late fall and the first part of the winter. It remains to be seen whether the recent lowering will continue.

For more information visit www.restoreourwater.com





Message From State Senator Tom Casperson

Michigan's distinct mitten shape is caused by the Great Lakes which help make our state special in many ways. Our state is known for that unique physical shape, but I would like our state to be well known for another reason --- for the actions we take to restore and protect private property rights.

As a life-long resident of Escanaba in the Upper Peninsula (UP), I am accustomed to life along the Great Lakes. Throughout our lives, while my family and I have enjoyed all of Michigan's natural resources, we have especially appreciated all the wonder of the Great Lakes, including their power, as they have impacted vegetation and moved sand. However, it seems that some vocal groups and individuals have taken appreciation for our natural resources to an extreme level that is affecting the everyday lives and rights of others. These people seem to be worshipping the creation instead of the creator. While I understand we have a duty to take care of our resources, we also must recognize the need to respectfully use and enjoy them.

In my past work in the timber industry and as an elected official in the State House and the State Senate, I have experienced the voices of environmental groups and department bureaucrats who want to force their beliefs on us by restricting management of Michigan's natural resources, instead of allowing people to reasonably enjoy, improve and use the outdoors. It is bad enough that these extremists push their restrictive agendas onto publicly owned land, but when they work to impose such restrictions on private property, it is way over the line.

One of the most recent obvious examples of this were the restrictions placed on riparian owners, limiting them from grooming their beaches. While running for the State Senate, I often heard from residents along the shore of Lake Michigan in the UP of their frustrations on this issue in dealing with the Michigan Department of Environmental Quality (DEQ) and the U.S. Army Corps of Engineers. They simply wanted to mow, remove vegetation and move some sand just as the lakes naturally do every day without having to

complete multi-page permit applications or attempt to engage in unresponsive or overzealous bureaucrats.

This issue needed to be confronted and addressed to help riparian owners across the state, but such a change would need strong support to fight against environmentalists and department bureaucrats. That is when we reached out to Save Our Shoreline (SOS) who helped us put together Senate Bill 1052 which, due to the hard work and persistence of SOS, later became Public Act 247 of 2012.

The effort encountered strong resistance from those who didn't want property owners working on their beaches. The opposition made claims including that that we would see invasive species rapidly taking over the beaches, reduced water quality, and damage to the water ecosystem. Nearly four years later, those alarms predictably have proven false, as I have heard no adverse impact resulting from the changes enacted in SB 1052 to restore some simple rights to riparian owners. However, I have heard from folks who are appreciative of the right to again manage their land because of the reduced regulation.





Indiana Shoreline Update

As reported in our June 2015 Newsletter, SOS has been monitoring a shoreline ownership issue in Indiana. The original case involved the town of Long Beach refusing to enforce private property rights below the “ordinary high water mark” (OHWM) and encouraging the public to use the beaches, regardless of the preferences of the shoreline property owners. The town was supported by several other special interest groups determined to nullify shoreline private property rights. These groups included the “Alliance for Great Lakes”, “Save the Dunes” and the “Long Beach Community Alliance”. The owners sued the town for taking away their property rights and subsequent decisions and appeals led to the State of Indiana being added as a party to the dispute.

The Laporte Superior Court in Michigan City, Indiana, heard appeals in the case in December, 2015. The most prominent issue in the appeal related to arguments by the other special interests to expand public access to include private property above the OHWM! This would essentially seize property from individual owners and eliminate any private ownership of beaches in Indiana. However, the Superior Court Judge denied the motions related to this request and upheld the lower court decision that the public trust doctrine only applied to property below the OHWM.

SOS filed an amicus brief in the case that can be viewed at our website: www.saveourshoreline.org. It is also understood that the other special interest groups involved in the Indiana case are planning to appeal this decision.

View From Lansing BY DAVID LADD

The Lansing political and legislative scene is buzzing with activity. And, not surprisingly, much of it is not good news. The budget is predicted to be flat for the 16/17 fiscal year, two State Representatives have been forced out of office for conduct “unbecoming of a legislator” and the Detroit Public Schools is almost \$750 million dollars in debt. Nothing, however, compares to The Flint Water Crisis, a crisis which has dominated state, local, and national news since the story broke last year.

It is an unfortunate turn of events that has devastated the Flint community. Beyond the tragedy of unsafe levels of lead in the water, can you imagine owning a small business in the City of Flint? A restaurant? A hotel? The damage to the public health and the local economy will be felt for decades. Governor Snyder devoted almost 75% of his State of the State Address to outline a plan for attacking the various issues. As is the case with most failures of Government, there is plenty of blame to pass around at all levels.

One casualty of this tragedy is now former DEQ Director Dan Wyant. Dan submitted his resignation to Governor Snyder, who quickly accepted it. Although we didn't always

agree with Dan, he was honest, hardworking and brought a degree of order and consistency to the DEQ that had not been seen in years. Dan was one of the few DEQ Directors that managed to gain the respect of his employees, the press, the Legislature and the regulated community. I even had one acquaintance who works for a prominent environmental organization say that Dan was “by far the best DEQ Director in the history of the Department”.

Director Wyant's importance to SOS is immeasurable. Recall that the passage of SB 1052 (sponsored by Senator Casperson), which eventually became PA 247 or 2012, was the key legislative initiative to finally grant SOS the freedom to groom, maintain and enjoy our beaches. Since it is Oscar season I would put it this way: If Tom Casperson was our leading man and Oscar Winner; Dan Wyant is our Best Supporting Actor.

Dan's departure has brought a transition in Leadership at the DEQ. The interim director is Keith Creagh, a respected, long-time state administrator. We will need to monitor this transition over the next few months to ensure SOS voices continue to be heard in Lansing.

In Memoriam

Thomas Kelley and Patrick Foy.

The SOS Board of Directors would like to remember two important friends that we lost in the last year, Thomas Kelley and Patrick Foy.

Thomas M. Kelley lived in Suttons Bay MI and was a founder and teacher of the Inland Seas Education Association. His vision about 30 years ago was to build a ship to educate school children about care of the Great Lakes for future generations. He worked diligently to make this a reality. In 2014 the Association carried its 100,000th student aboard their 2 masted schooner, The Inland Seas, berthed in Suttons Bay.

Patrick R. Foy lived in Oscoda MI and was a long time SOS member and supporter of beachfront property rights. His wife, Esther Foy, has remained as an active member in the last year and made a very generous donation to SOS last Fall in memory of her husband.

The SOS Board of Directors extends its heartfelt condolences to the families of Thomas Kelley and Patrick Foy.

Treasurer's Report

SOS is organized as a 501(c)(4) corporation that is tax-exempt under federal regulations. The primary purpose of this type of an organization is to be engaged in promoting the common good, general welfare, civic betterment or social improvement. SOS serves this purpose by advocating for the right to maintain riparian rights, safe recreational beaches and waterfront areas (public and private) and to preserve the proper balance for the coexistence of man and nature upon and near waterfront property. All membership dues and donations received by SOS (with the PAC exception noted below) are directed for these purposes. However, it is important to note that contributions and donations to SOS are not deductible as a charitable contribution for federal income tax purposes.

SOS is permitted to engage in lobbying activities that are germane to our social welfare purpose and the common good. This includes lobbying activity to impact state legislation and regulations in a manner consistent with our mission statement. For these purposes, SOS has engaged Kelley Cawthorne as our state-wide lobbyist for the last several years. This effort led to the passing of Public Act 247 in 2012, a seminal victory in furtherance of our mission to preserve riparian rights and recreational beaches. However, SOS also has an obligation to inform the membership of the portion of annual dues that are used to support lobbying activities. For example, SOS received approximately \$40,000 in annual dues and donations in 2015 and more than 50% of the funds received were spent on lobbying services in that period. These activities have been essential

to maintaining our voice and presence in Lansing. However, it should also be noted that the board is taking steps to significantly reduce our lobbying expenses for 2016 to ensure more resources are available to support other SOS efforts to preserve the rights of shoreline property owners.

One final clarification: corporations are generally prohibited from engaging in political activities or direct expenditures for a political candidate. This is the reason SOS does not formally endorse any candidates for political office. However, SOS is also affiliated with the SOS PAC, an independent political action committee registered by the State of Michigan. Any funds donated by our members specifically for SOS PAC may be used to engage in state-wide political activities in Michigan within the requirements and limitations established by Michigan law and the Campaign Finance Act. The activity associated with SOS PAC funds are reported to the state on a quarterly basis and are segregated from other funds held by the SOS Corporation. As a result, SOS members must specifically designate during fundraising efforts if they want any amount of their annual donations to be contributed to the SOS PAC.





Save Our Shoreline

Application Form

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

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

Last Name: _____ First Name: _____

Address: _____ City: _____

State: _____ Zip Code: _____

Name of your beach or beach area (i.e. Linwood, Caseville): _____

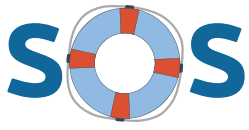
Email address: _____ Telephone: _____

Fax Number: _____

- I wish to join as a Voting Member (I own or reside on a natural body of water).
- I wish to join as an Associate Member (I do not own or reside on a natural body of water, but I support the organization's goals).
- I have enclosed \$50.00. (\$25 application fee and \$25 annual fee)
Please make your check payable to Save Our Shoreline.

If you are an Associate Member, you will receive all information that is sent to the Voting Members. This information will keep you informed of our progress, local meeting's dates, committee hearings, studies, surveys and etc. and will be distributed via our website, email and other forms of communications.

On behalf of Save Our Shoreline, we thank you for your support in protecting your property rights.



Save our
Shoreline

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Mission Statement

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.

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