



213 W. Liberty St., Ann Arbor, MI 48104
www.michiganlcv.org

**Testimony on SB 1052 S-2
Michigan House of Representatives
Committee on Natural Resources, Tourism, and Outdoor Recreation**

Dear Representatives,

Thank you for allowing me to address the committee.

The Michigan League of Conservation Voters opposes SB 1052.

Shoreline wetlands provide valuable habitat for fish and other aquatic species. Covering them with beach sand or removing vegetation during periods of low water levels, such as now exist, can damage spawning beds and sensitive aquatic habitat. Below the ordinary high water mark, these wetlands are part of the public trust and must be preserved in the public interest.

Currently, preservation is managed through the general permit system for most beach grooming activities, and under an individual permit for the more harmful removal of vegetation. The general permit system was a compromise which streamlined the more onerous individual permit of the past. It allows reasonable beach maintenance while preserving the ability of the department to protect shoreline habitat from especially damaging projects.

The actual permit is two pages with a third cover page. It has simple check-boxes with adjacent areas for describing the proposed beach maintenance in more detail. Once submitted with a \$50 to \$100 fee, depending on the scope of the maintenance, and supporting documents, such as a map and photographs of the area, a permit is processed within two to four months and is valid for five years.

SB 1052, however, would not only remove the simplified general permit requirements for maintenance between the ordinary high water mark and the waters edge, but would also remove the individual permit requirement for removing shoreline vegetation. This eliminates the DEQ's ability to ensure that when water levels return to normal, the resubmerged bottomlands are healthy and undamaged. The system in place now is balanced; it retains a property owner's ability to maintain the shoreline while retaining the DEQ's ability to ensure that the maintenance does not damage natural resources held in trust for the public in the area between the ordinary

high water mark and the waters edge.

This bill upsets that balance by placing all control over the public trust area in the individual property owner with no oversight from the department which is duty-bound to protect it. The *Glass v. Goeckel* decision established that lands protected by the public trust doctrine extend to the ordinary high water mark. While *Glass v. Goeckel* examined the right of the public to walk along the shore within that zone, the public trust doctrine also establishes the DEQ's regulatory authority within that zone. Removing the DEQ's permitting authority within the zone forces the state to abdicate its responsibility under the public trust doctrine to protect the Great Lakes bottomlands.

The general permit system is balanced to address the interests of property owners and the interests of the state in protecting Great Lakes bottomlands. SB 1052 is an unnecessary bill which would undermine necessary aquatic and wetland habitat protections.

Therefore, we urge you to vote "no" on SB 1052.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Drew YoungeDyke". The signature is fluid and cursive, with the first name "Drew" being more prominent.

Drew YoungeDyke
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