



Michigan Association of Planning
A Chapter of the American Planning Association

February 17, 2020

HB 5463 and SB 714

Committee Chair Gary Howell and Members of the House Natural Resources Committee

The Michigan Association of Planning requests that neither HB5463 nor SB714 be enacted until further deliberation can be undertaken to ensure that the expedited permitting established by this act will not result in near or long-term degradation and loss of Michigan's Great Lakes beaches.

Our concerns are based on the following considerations, all of which have been well established by scientists, planners, and lawyers who are experts on Great Lakes coastal shoreline dynamics and state and local coastal planning:

- Lake fluctuations are a natural process that cannot be managed through dredging, dams, or other engineering.
- Because the beds of the lakes are mostly sand, most of Michigan's Great Lakes shorelines are eroding landward, about a foot per year on average.
- There are no hard shoreline protection structures yet devised (e.g., seawalls, revetments, bulkheads, riprap) that permanently stop erosion—including the kind of temporary armoring envisioned by the bills as proposed.
- All armoring structures, while maintained, eventually eliminate the natural beach by starving the sand supply needed to replenish the natural beach—also including the kind of temporary armoring envisioned by the bills as proposed.
- The costs of maintaining shoreline armoring can become excessive because the powerful forces of the lake continually work to undermine structures, and the pressure to shift those costs from private shoreline owners to the public correspondingly grows.
- Similarly, when not regularly maintained, all hard shoreline protection structures eventually fail, imposing great costs on property owners, local government, and the state to repair, enlarge, move, or remove.
- When armoring structures fail, they severely degrade the beach by leaving debris that interrupts natural sediment movement, for a long time into the future.
- Once the decision is made to armor instead of moving back from the shore – even through temporary armoring – the pressure and expectations to continue armoring grows.

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- Under Michigan law stretching back to the founding of the state, the citizens of Michigan (and visiting tourists) have a right to walk the state's Great Lakes public trust beaches – even along privately owned shoreline property (see *Glass v. Goeckel*, Michigan Supreme Court, 2005).
- Shoreline property owners have a right to build on and use their properties, but that right cannot override the public's interest in the state's natural Great Lakes beaches by fundamentally altering the natural state of our beaches through armoring to protect their properties.
- The state has a duty to protect its public trust beaches for public access and use, and the Department of Environment, Great Lakes, and Energy's (EGLE) permitting process is the mechanism used for doing so.

The Michigan Association of Planning entirely understands the plight of shoreline property owners and understands their strong desire to armor their shores. Our association does not take those concerns lightly.

Nonetheless, we note that the State of Michigan has a duty to protect its Great Lakes public trust beaches for the benefit of all of the state's citizens and visitors; that allowing the armoring of the state's Great Lakes shores will ultimately result in the loss of its natural beaches; that failing to protect the integrity of natural Great Lakes beaches could have severe impacts on the tourist-based economies of Michigan's coastal communities; that allowing shoreline armoring to be constructed could result in demands that the public bear the future costs of maintaining those structures; and that EGLE's shoreline permitting process provides a vital check to ensure the long-term vitality of the state's coastal resources.

We urge the Legislature not to adopt this legislation until more comprehensive, inclusive, and careful deliberation is undertaken to fully consider all of the potential consequences of armoring our Great Lakes shores. We would be happy to work with the legislature to participate in and facilitate otherwise such a process.

Sincerely,



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