

ASK THE EXPERT
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One of the issues that comes up frequently with riparian property owners involves which permit or permits must be obtained to install a seawall along a lake. The simplest answer is to hire a qualified contractor who will normally handle the permitting requirements. However, in the end, the property owner is ultimately responsible (or co-responsible with the contractor) for complying with all applicable laws and obtaining all required permits.

In almost all cases in Michigan, if a new seawall is to be installed or an existing seawall modified and any portion of the structure (or any anchors or components of the structure) will be located at or lakeward of the ordinary high water mark of the lake involved, a permit must be obtained from the state of Michigan. If one of the Great Lakes is involved or the lake is directly tied into one of the Great Lakes (for example, Spring Lake, Muskegon Lake or Suttons Bay), a permit will also have to be obtained from the US Army Corp of Engineers (in addition to the state of Michigan). If in doubt, always apply for a permit or permits. If they are not needed, the government agency will normally so advise.

I am also frequently asked whether others can trespass or walk along the shoreline of a riparian property in Michigan without the permission of the landowner. There seems to be a common misperception that members of the public can always walk along the shoreline of a lakefront property owner without permission. In many cases, that assumption is erroneous. For purposes of this issue, one must draw a distinction between the Great Lakes and Michigan inland lakes. As to the Great Lakes, the Michigan Supreme Court ruled in 2005 that members of the public can walk along the shoreline up to the ordinary high water mark without the permission of the riparian landowner. See *Glass v Goeckel* 473 Mich 667 (2005). However, for most inland lakes in Michigan, that is not the case and one who walks on your shoreline without your

permission is generally committing both a civil and a criminal trespass. The exception to that rule involves properties that have a platted or dedicated walkway, road right-of-way or similar way that runs along the shoreline. In those situations, members of the public (or at least property owners within the plat involved) can walk within the ways without the permission of the owner of the underlying property.