



CLIFFORD H. BLOOM, ESQ.
BLOOM SLUGGETT, PC
GRAND RAPIDS, MICHIGAN
WWW.BLOOMSLUGGETT.COM

THE WRONG WORD?

This magazine is called *The Michigan Riparian*. For decades, virtually everyone in Michigan has called the owners of waterfront property on inland lakes, the Great Lakes, creeks, streams, and rivers *riparian landowners* or simply *riparians*. Technically, however, everyone has been using the wrong phraseology for many of those situations. Property rights involving lakes are actually called *littoral*.

No less an authority than the Michigan Supreme Court noted in *Glass v Goeckel*, 473 Mich 667 (2005) (at footnote 1) that:

Modern usage distinguishes between "littoral" and "riparian," with the former applying to seas and their coasts and the latter applying to rivers and streams. Black's Law Dictionary (7th ed). Our case law has not always precisely distinguished between the two terms. Consistent with our recognition that the common law of the sea applies to our Great Lakes, see *People v. Silberwood*, 110 Mich. 103, 108, 67 N.W. 1087 (1896), citing *Illinois Central R Co. v. Illinois*, 146 U.S. 387, 437, 13 S.Ct. 110, 36 L.Ed. 1018 (1892), we will describe defendants' property as littoral property. Although we have attempted to retain consistency in terminology throughout our discussion, we will at times employ the term "riparian" when the facts or the language previously employed so dictate. For example, a *littoral* owner of property on the Great Lakes holds *riparian* rights as a consequence of owning waterfront property. See *Hilt v. Weber*, 252 Mich. 198, 225, 233 N.W. 159 (1930).

Again, the Michigan Supreme Court stated in *2000 Baum Family Trust v Babel*, 488 Mich 136 (2010) (at footnote 1) that:

As others have done, we observe that "[s]trictly speaking, land which includes or abuts a river is defined as riparian, while land which includes or abuts a lake is defined as littoral." *Thies v Howland*, 424 Mich 282, 288 n 2; 380 NW2d 463 (1985). However, "the term 'riparian' is often used to describe both types of land," *id*, and will be used in such a manner in this opinion.

Today, virtually everyone uses the word *riparian* to refer to all bodies of water in Michigan, a practice which has become almost universally accepted (except for wetlands, ponds, and artificial lakes, which do not have neither riparian nor littoral rights). Why has the word *littoral* faded from use? There is no universally accepted explanation. The most obvious reason is that *riparian* simply sounds better than *littoral* or *littoralan*.

Interestingly, even many years ago when some still referred to lake matters as being *littoral*, they rarely used the phrase *littoral rights*, but instead often mentioned *riparian rights*.

The more that time goes by, the rarer it will be to see or hear the word *littoral*.

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Many of my past related articles can be found on *The Michigan Riparian* magazine's website at mi-riparian.org. In addition, almost all of my articles can also be found at our firm's website, which is BloomSluggett.com. R.