

New Michigan Court of Appeals decision regarding riparian boundary lines

On July 1, 2008, the Michigan Court of Appeals released a new published opinion which discusses how to ascertain riparian boundary lines (i.e., where the bottomlands of one riparian property ends and that of another begins). That case is *Heeringa v Petroelje, _____ Mich App _____* (2008). Prior to the Heeringa opinion, it had been many years since a Michigan appellate court had squarely addressed riparian boundary line issues. In order to determine a riparian boundary line, the Court of Appeals succinctly stated as follows:

Briefly, the proper method for determining riparian boundary

lines involving irregularly-shaped bodies of water is: first, to draw a 'thread' line through the geographic middle (as opposed to the deepest point) of the body of water; second to determine where the riparian landowners' surface property lines intersect with the water; and third, to draw lines from the thread at as close to right-angles as possible as measured at the thread line to the 'landward terminus points.' The thread line must be determined on the basis of the shape of the 'original' shoreline, referring to the date the United

States government parted with title to the property. (Slip Opinion at 2.)

Although surveyors, engineers and attorneys can give opinions (orally or in writing) as to where a particular riparian boundary is located, those opinions are not binding. Only a court with appropriate jurisdiction can definitively determine where common a riparian boundary line is located for two adjoining riparian properties.

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Have you been in the Cooperative Lakes Monitoring Program? 2009 enrollment – plan to take part!!

Citizen volunteers are quietly keeping watch over the quality of their lake. They donate their time and energy to collecting water quality samples and making measurements that help the state track the health of their lake.

In 1990, a lake testing project – Secchi, Total Phosphorous, etc. – was established for members of MLSA who were concerned about their lakes.

Today's Cooperative Lakes Monitoring Program (CLMP) volunteers continue to measure lake clarity with Secchi disks, but also monitor several other indicators of lake quality. They may monitor for temperature, dissolved oxygen, phosphorus (the main nutrient responsible for algae and plant growth in lakes), and chlorophyll (a pigment produced by algae in the water column).

These more sophisticated measurements are made possible through cooperation with the Department of Environmental

Quality, which provides equipment and laboratory analysis. Michigan Lake and Stream Associations, Inc., has helped lake associations and individuals get involved in the CLMP, providing logistical support, promoting volunteer monitoring, and hosting training at their annual conferences since 1993.

Training and support are available for volunteers who want to monitor the aquatic plants found in their lakes. They can learn to identify native and exotic plants and map their distribution in the lake.

Volunteers who participate in lake monitoring receive technical training from program staff, learn first-hand about the quality of their lakes, and can take an informed role in lake management.

The long-term monitoring data the volunteers are generating is available online at the MiCorps website (www.micorps.net). The volunteers' collected data provides the public and the state

with information about trends in lake quality that are crucial to lake management decisions.

There is always room for more volunteers in the Cooperative Lakes Monitoring Program! Enrollment begins October 1, 2008. The time commitment depends on the indicators that are measured, and varies from one or two hours twice a year, to once a week during the summer.

If you would like to learn more, contact Jo Latimore at latimor1@msu.edu or Pearl Bonnell at pbonnell@mlswa.org.

You may also find more information at MiCorps website at www.micorps.net. or MLSA website www.mlswa.org. You may call MLSA at 989-257-3583 or 269-273-8200.