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U.S. Supreme Court won't hear Lake Michigan beach case

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The U.S. Supreme Court will not hear an appeal from Indiana residents who want to extend their property rights to the state's Lake Michigan shoreline.

The (Northwest Indiana) Times reports that the High Court denied a petition by two landowners in Long Beach, Indiana, who live adjacent to the lake.

Don and Bobbie Gunderson were appealing a ruling last year by the Indiana Supreme Court that set the ordinary high water mark as the boundary between state-owned land under Lake Michigan and private property. They contended their lakefront property extends to the water's edge and that landowners have the right to limit who uses the beaches abutting their properties.

The Indiana Supreme Court ruled that the state owns the shoreline and holds it in trust for all residents. Great Lakes states have largely held that private ownership extended to the water's edge. But the Indiana court ruled that the ordinary high water mark, determined as the line where vegetation begins, is the limit of a lakefront landowners' property.

The Gundersons had argued that the ruling by Indiana's high court, and a similar 2005 decision by the Michigan Supreme Court, upset a longstanding consensus in the Great Lakes states which held that private ownership extended to the water's edge, wherever that edge was at any given moment.

The Gundersons had wanted the U.S. Supreme Court to definitively set the water's edge as the boundary of lake-adjacent properties for all five Great Lakes — with no requirement to provide public access to the beach.

Property rights groups elsewhere had filed amicus, or "friend of the court," briefs — including Save our Shoreline, a Michigan nonprofit comprised of Great Lakes property owners, and the Whalesback Preservation Fund LLC, which owns Lake Michigan land near Leland, led by the Cato Institute — urging the high court to rule in the Gundersons' favor.

Michigan Gov. Gretchen Whitmer called the decision to decline to review the federal appeals court ruling "good news for our Great Lakes and for people across the state."

"We in Michigan are defined by our water," she said in a statement. "Whether you're fishing, swimming or climbing the dunes on Lake Michigan, so many memories are made on the shores of our Great Lakes. Today's decision is an important step in making sure that people across the state and from all over the world can continue to enjoy (the) Great Lakes and make new memories here in Michigan."