2012

Testimony to the Committee on Natural Resources, Environment and Great Lakes

Subject SB 1052

Good Afternoon Representative Foster and Members of the Committee:

Thank you for hearing my testimony. My name is Bonnie Nothoff and I reside on the Great Lakes in the 105th House District. I am here to testify in support of SB 1052 and I'd like to tell you a story kind of a tale of two cities.

In 1976 my husband, small son and I moved from Chicago to Bay City where we resided for over 20 years. One of the "draws" for moving back to Michigan was the proximity of Lake Huron where we had talked of someday having a cottage. As the years went by we began to notice a decline in the beaches along Lake Huron; ultimately so bad that the once pristine beaches had turned to muck in which you would sink to your knees! We decided to try the other side of the state where the beaches were still pristine. We didn't know much about the DNR or the DEQ or the Army Corps of Engineers during the 80's or early 90's but what we did know was we wanted to be where the shores of Lake Michigan were as we remembered them.

In 1998 we purchased a piece of land on Lake Michigan—our dream site where we built our home in the early 2000's. When we bought our land the beaches were clean, well maintained and just what we had dreamed they would be. But things began to change. There was the beginning of several years of low water levels of Lake Michigan and with it the advent of the problems that ensued with phragmites. During this particular time period we became involved with and members of SOS and learned of the permitting process that existed. Frankly we were horrified. To imagine we would have to pay to take care of our own front yard was unthinkable. When the agreement was reached on permitting we were still horrified. SOS was invited to come to our town, to speak to our neighbors about what had happened on the east shoreline and what was beginning to happen on the west shoreline of Michigan. Cases were heard in court about high water marks and who had the right to walk on the beach and all the while we were aware we should be <u>very very</u> careful about picking a weed on our beach or removing vegetation that would require a depth of more than 4 inches! During that time period 2003-2004, I ran for state representative in the 105th.

My platform included the deep concern all 105 citizens had about our beaches. When I spoke at township halls I mentioned the phragmites that existed on my beach. There were those who followed me and who maintained there were no phragmites on Lake Michigan shores. Ultimately it became so bad the townships now spray for phragmites.

Meanwhile, in my neighborhood, there are many retired residents; residents who are on fixed incomes and deeply desirous of not making waves or "getting in trouble" with the government! I understand their position, but it also disturbs me to see this level of fear of our own government! I will tell you there is panic when one wishes to put in dirt fill to make a more pleasant entryway for fear there might be a square inch of "wetland." There is fear of that government person coming on your property.

When I heard of Senator Casperson's SB 1052 and read it, I made smiley face after smiley face on each section I read that corrects this over regulation of my property and my neighbor's property. I agree with every strike-out made in this bill—perhaps there should be more, and most definitely the sentence that reads under Section 30301 subsection (3) THE DEPARTMENT AND LOCAL UNITS OF GOVERNMENT SHALL NOT REGULATE UNDER THIS PART AN AREA COMMONLY REFERRED TO AS A BEACH.

This is a 26 page bill; complex and somewhat duplicitous, however I believe SB 1052 to be the right start in the right direction.

The end to this story is this: I am living testimony to people who come to our great state because of our great resources—who then move away from what is not acceptable. We did it when we moved from Bay City to the other side of the state. I am here today to urge you to stand tall for the deregulation of my private property – my XIV amendment right that states "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its' jurisdiction the equal protection of the laws."

Thank you for considering my testimony.

Bonnie Nothoff RDH