

DELTA COUNTY BOARD OF COMMISSIONERS

ADMINISTRATION OFFICE
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RESOLUTION #21-08 **Resolution ("OHWM")**

Resolution in favor of having an easily measurable designation where regulatory jurisdiction lies and/or where public use and riparian ownership begins and/or ends ("OHWM" – Ordinary High Water Mark).

WHEREAS, Delta County has the most Great Lakes (Lake Michigan) shoreline in the State of Michigan, approx. 142 miles;

WHEREAS, the "OHWM" is a measurable elevation that was originally set in 1955 and reset in 1985; Erie – 572.2 ft.; St Clair – 575.3 ft.; Michigan/Huron – 580.5 ft. & Superior – 602.6 ft.;

WHEREAS, the term "OHWM" means that line on the shore established by fluctuations of water over time and indicated by physical characteristics;

WHEREAS, "Bottomlands" mean land in the Great Lakes lying below and lakeward of the "OHWM" regulated by the State of Michigan (EGLE) and the Federal Government (Corps);

WHEREAS, the "OHWM" is the elevation along the shoreline where a construction permit under Section 32502 of Part 325 is required for such activities if lakeward (bottomlands), but not limited to, dredging, seawalls, rock revetments, beach grooming, docks & other structures;

WHEREAS, the "OHWM" is the line on the Lake Michigan shoreline, other Great Lakes and other navigable waterways used to designate where regulatory bottomland jurisdiction lies and in certain instances to determine where public use/regulatory permits and riparian ownership begins and/or ends;

WHEREAS, the "OHWM" is the only reference point that can be easily & legally established for riparian property owners (esp. during high water – emergency projects) so they know if permits are needed; where on their properties (location) and from who;

WHEREAS, the boundary separating public trust land (i.e. - bottomlands) from privately owned riparian land along the shores of Lake Michigan is the common-law "OHWM" and that, absent an authorized conveyance, the State retains exclusive title on bottomlands to that boundary and the riparian landowner title above that boundary;

Delta County is an equal opportunity provider and employer.

WHEREAS, the physical location of the "OHWM" can move over time due to natural erosion and deposition (called accretion) of sand or debris along the shoreline. This natural process over time could cause the point of regulatory jurisdiction to change and, therefore, the location of the "OHWM" will have to be verified on a case-by-case basis before a shoreline project begins (easily and quickly done by a licensed surveyor);

THEREFORE BE IT RESOLVED, that the Delta County Commissioners on behalf of their county riparian property owners encourage all State of Michigan elected officials to not change or alter the "OHWM" set in 1985 or authorize any regulatory law or administrative rule changes to the "OHWM", permanent or temporary. Also, be it further resolved that Michigan Association of Counties ("MAC") be encouraged to lobby against any such change or alteration in current State law.

I, Nancy J. Przewrocki, Delta County Clerk and Clerk of the Delta County Board of Commissioners do hereby certify this to be a true and exact copy from the minutes of the regular meeting of the Delta County Board of Commissioners held on March 16, 2021.

I, Nancy J. Przewrocki, Delta County Clerk do hereby set my hand and seal this 16th day of March, 2021.



Nancy J. Przewrocki, Delta County Clerk

