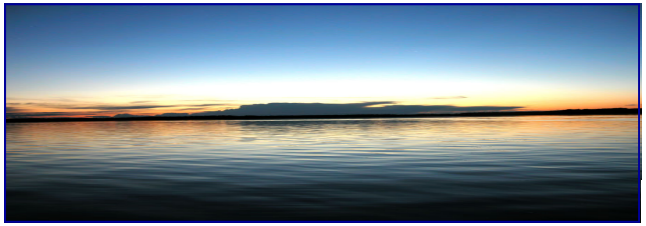
Limitations of Riparian Rights

Michigan courts have repeatedly ruled that riparian rights are correlative rights whose exercise must be reasonable at all times and may not encroach or infringe upon the use of the surface of the lake or stream by other riparian property owners or members of the general public. In addition, there are certain activities pertaining to inland lakes and streams that are regulated by the NREPA of 1994, Public Act 451, Part 301, and as such, require the issuance of a permit from EGLE. These limitations of riparian rights include but are not necessarily limited to the following activities:

Riparian property owners shall not:

- Anchor a raft or moor a boat on or above the bottomlands of another riparian owner.
- Install a dock of an unreasonable length and/or at an angle that interferes with or limits the navigability of the water body or the riparian rights of neighboring property owners.
- Transfer riparian rights to another person.
- Restrict the use of the surface of a lake or stream by members of the public.
- Build a seawall or jetty closer to the water's edge than at the ordinary high-water mark.
- Construct a seawall without an EGLE permit.
- Dredge, place, or fill in a lake or stream without a permit from EGLE.
- Alter or modify their riparian shoreline or remove aquatic plants without an EGLE permit.

Michigan Lakes and Streams Association, Inc. is a non-profit, primarily volunteer organization dedicated to preserving, protecting, and effectively managing Michigan's vast treasure of inland lakes and streams as well as advocating for the protection of riparian property rights. Our members include lake and stream associations, individuals, corporations and various non-profit advocacy groups that share our concern for the future of our freshwater heritage and associated natural resources.



Scan this QR code for more information on this topic or

CLICK HERE!

SCAN ME

PO Box 19615
Kalamazoo, MI 49019
Phone: (989) 831-5100
mymlsa.org
email: info@mymlsa.org

Copyright 2020: Michigan Lakes and Streams Association, Inc.

Michigan Lakes & Streams Association

Riparian Rights in Michigan

Riparian rights are rights which are associated with the ownership of the bank or shore of an inland lake or stream.

Introduction

This brochure provides riparian property owners and members of the general public an outline of essential facts pertaining to those riparian legal rights and limitations associated with owning stream bank or inland lake shoreline that is constituted private property in Michigan. **This publication should only be used as a general reference.** Riparian rights are subject to revision by court rulings and various ordinances that may be enacted by local governments. **Please consult with a qualified riparian rights attorney for expert counsel regarding specific issues or cases.**

Basic Riparian Rights in Michigan

Riparian property rights continue to evolve due to legislative revision of state law, but due to various court decisions, and enactment of local ordinances, riparian property owners continue to enjoy the following basic rights:

- **Access to the water of an inland lake or stream upon which they own riparian property.**
- **Installation of a dock anchored to their riparian bottomland.**
- **Anchorage of a boat on their bottomland and/or secure mooring to their dock.**
- **Reasonable use of water from the lake or stream for strictly domestic purposes.**
- **The right of accretions: the ownership of the gradual accumulation of sand, silt or organic matter on riparian owned shorelines.**

Public Rights on Michigan Waters

Michigan riparian property owners who own land on navigable inland lakes or streams own the respective bottomlands covered by water. **However, they do not own the water or the fish that swim within those waters**. If public access to navigable water has been established by the state or a local government entity such as the county or township, public users enjoy the same recreational boating and/or fishing rights and privileges as riparian property owners.

Limitations of Public Rights

The public right to use navigable lakes and streams includes the right of incidental use of riparian owned bottomlands, but that right does not extend to the uplands of riparian property owners while in such waters, or in entering or departing waters from those privately owned uplands.

The 1953 Michigan Supreme Court case Hill v. Wantz reaffirmed that "a riparian property owners rights are limited by the public right to navigation, but this does not include the right to anchor indefinitely off the riparian's shoreline."

In the 2005 "beach walker" case, the Supreme Court ruled that members of the public have a right to walk along privately owned Great Lakes beaches as long as they do not cross the "ordinary high-water mark." This case does not pertain to Michigan's inland lakes and streams or to inland lakes with an immediate hydrologic connection with one of the Great Lakes. **In most cases, public beach walking on inland lake riparian owned shorelines constitutes as trespassing.**

Riparian Ownership of Bottomlands

The State of Michigan defines bottomlands as "the land area of an inland lake or stream which lies below the ordinary high-water mark which may or may not be covered by water." The courts have established and reaffirmed the ownership of the bottomlands to the middle thread of an inland lake or stream by the adjacent riparian property owner in several cases dating back to 1860. However, the courts have also established and reaffirmed that **riparian ownership of bottomlands does not "injure or abridge" the right of navigation by other riparian property owners and/or the general public**.

Inland Lake Public Road End Use

Michigan Public Act 56 of 2012 prohibits the use of public road ends for construction, installation, maintenance, or use of boat hoists or boat anchorage devices, mooring or docking of a vessel between 12 midnight and sunrise, or any activity that obstructs access to or exit from the inland lake or stream. A public road end shall not be used for construction or use of a dock or wharf other than a single seasonal public dock or wharf that is authorized by both the local unit of government and Michigan Department of Environment, Great Lakes, and Energy (formerly the DEQ).