



***Media Statement: Alliance for the Great Lakes Comments on Landmark Legal Decision Protecting the Public's Right to Enjoy the Beach on Indiana's Lake Michigan Shoreline***

Chicago, Ill. (Wednesday, July 29, 2015) – Alliance for the Great Lakes, along with Save the Dunes, the state of Indiana and Long Beach Community Alliance, have prevailed in landmark litigation that upholds Indiana's public trust protections — including the public's right to recreate on its portion of the Lake Michigan shoreline.

Indiana has long recognized and endorsed the public trust doctrine as applied to its water bodies. Under this doctrine, the state of Indiana holds title to the shore of Lake Michigan below the ordinary high-water mark in trust for the public to enjoy for recreation and other uses.

Two lawsuits were brought by a handful of beachfront residents of Long Beach, Ind., who claimed that they, not the public, own the Lake Michigan beach below their properties down to the water's edge and that they can exclude the public from the shore. The Alliance for the Great Lakes and Save the Dunes joined the lawsuits as intervening parties to protect their members' right to walk, sit, fish, bird-watch and play along the Indiana beach — activities long held as part of the public trust.

A key decision was delivered earlier this week. Judge Richard Stalbrink of the Superior Court ruled in our favor agreeing that the state of Indiana owns the shores of Lake Michigan below the ordinary high-water mark and holds that property in trust for the public's protected uses, regardless of whether the beach is currently covered by water. He concluded that "private landowners cannot impair the public's right to use the beach below the OHWM for these protected purposes," and that to hold otherwise would "deny the public from enjoying Indiana's limited access to one of the greatest natural resources in this state."

Our win in this case is enormously important for two reasons. First, the public trust doctrine and the state's title to the lakeshore are important to conservation efforts on the shoreline of Lake Michigan. Regulation of potentially damaging construction and other activities, and the integrity and continuity of the shoreline ecosystem, are greatly facilitated by public ownership. Second, as Judge Stalbrink recognized in his opinion, the lakeshore below the ordinary high-water mark is a critically important public resource. If the beachfront residents had prevailed in their lawsuits, the public's historic right to freely use the Indiana lakeshore would be gutted and our invaluable connection to the shore of Lake Michigan would be forever changed.

The Alliance for the Great Lakes and Save the Dunes were represented in the case by the Conservation Law Center, located in Bloomington, Ind., and this landmark win would not have been possible without the persuasive arguments of the center's legal team. We also thank our fellow interveners, the Long Beach Community Alliance, as well as the Indiana Attorney General for their cooperation and collaboration in defending the public trust on Indiana's Lake Michigan shoreline.

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*The Alliance for the Great Lakes is the largest organization dedicated solely to protecting and restoring the Great Lakes. We work hand in hand with tens of thousands of volunteers, advocates and supporters around the region to pursue protective policies, advance on-the-ground action, and educate our communities.*

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