

POST-TRIBUNE

Supreme Court stands with conservation groups in Lake Michigan beach access case



People walk on the beach at the Portage Lakefront and Riverwalk Pavilion on July 12, 2018.

Zbigniew Bzdak/Chicago Tribune

The public's right to the Lake Michigan shoreline stands after the U.S. Supreme Court announced Tuesday it was denying a petition to hear an appeal of an Indiana Supreme Court case over the matter.

Last year, the state supreme court ruled unanimously in favor of the Conservation Law Center and its clients, as well as the state of Indiana and the Long Beach Community Alliance.

In early 2018, the Indiana Supreme Court handed down its decision in the public trust case of Gunderson v. State. The law center represented environmental groups Alliance for the Great Lakes and Save the Dunes in a bid to protect the public's right to use portions of the Lake Michigan shore.

In a unanimous decision, the state supreme court held in Gunderson that the boundary separating state-owned public trust land from privately owned along the shores of Lake Michigan is the natural ordinary high water mark, according to a release from the law center.

When Indiana was created as a state, one of the rights that came with admission to the Union was the state ownership of the beds of navigable waters within its borders, including the exposed shores between the ordinary high and low water marks on Lake Michigan, the release states.

<https://www.chicagotribune.com/2019/02/19/supreme-court-stands-with-conservation-groups-in-lake-michigan-beach-access-case/?clearUserState=true>

The state holds this portion of the shoreline in “public trust” for the benefits of its citizens, and private landowners along the lake cannot erect walls or other barriers that prevent people from walking along the shoreline.

“This court’s opinion overall may be the most solid statement of core public trust doctrine yet by a Great Lakes state,” the release states.

The Conservation Law Center is a public interest nonprofit law firm based in Bloomington that serves as the environmental law clinic for the Maurer School of Law at Indiana University in Bloomington and the McKinney School of Law at Indiana University-Purdue University-Indianapolis.

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