



SENATE BILL No. 241

January 26, 1993, Introduced by Senator EHLERS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend sections 3, 7, 10, 12, and 13 of Act No. 247 of the Public Acts of 1955, entitled as amended "Great Lakes submerged lands act," section 3 as amended by Act No. 180 of the Public Acts of 1985, being sections 322.703, 322.707, 322.710, 322.712, and 322.713 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 3, 7, 10, 12, and 13 of Act No. 247 of
2 the Public Acts of 1955, section 3 as amended by Act No. 180 of
3 the Public Acts of 1985, being sections 322.703, 322.707,
4 322.710, 322.712, and 322.713 of the Michigan Compiled Laws, are
5 amended to read as follows:

6 Sec. 3. (1) Except as otherwise provided in this section,
7 the department of natural resources, hereinafter referred to as

1 the "department", after finding that the public trust in the
2 waters will not be impaired or substantially affected, may enter
3 into agreements pertaining to waters over and the filling in of
4 submerged patented lands, or to lease or deed unpatented lands,
5 after approval of the state administrative board. Quitclaim
6 deeds, leases, or agreements may be issued or entered into by the
7 department with any person, firm, or corporation, public or pri-
8 vate, covering unpatented lands, and shall contain such terms and
9 conditions and requirements ~~which shall be deemed~~ THAT THE
10 DEPARTMENT DETERMINES TO BE just and equitable and in conformity
11 with the public trust. ~~as determined by the department.~~ The
12 department shall reserve to the state of Michigan all mineral
13 rights, including but not limited to coal, oil, gas, sand,
14 gravel, stone, and other materials or products located or found
15 in those lands, except where lands are occupied or to be occupied
16 for residential purposes at the time of conveyance.

17 (2) ~~After July 22, 1965, a~~ A riparian owner shall obtain a
18 permit from the department ~~, for which a charge shall not be~~
19 ~~made,~~ before dredging or placing spoil or other materials on
20 bottomland.

21 (3) The department shall not enter into a lease or deed of
22 unpatented lands ~~which~~ THAT permits drilling operations for the
23 taking of oil or gas, unless all drilling operations originate
24 from locations above and inland of the ordinary high-water mark.
25 The department shall not enter into a lease or deed of unpatented
26 lands ~~which~~ THAT permits drilling for exploration purposes

1 unless the drilling operations originate from locations above and
2 inland of the ordinary high-water mark.

3 (4) ~~Any~~ AN agreement, lease, or deed entered into under
4 this act by the department with the United States shall be
5 entered into and executed pursuant to the property rights acqui-
6 sition act ACT NO. 201 OF THE PUBLIC ACTS OF 1986, BEING
7 SECTION 3.251 TO 3.262 OF THE MICHIGAN COMPILED LAWS.

8 Sec. 7. (1) All ~~moneys~~ MONEY received by the department
9 from the sale, ~~leasing~~ LEASE, or other disposition of ~~lands~~
10 LAND and water areas under this act shall be ~~paid~~ FORWARDED to
11 the state treasurer and be credited to the ~~state's general fund~~
12 LAND AND WATER MANAGEMENT PERMIT FEE FUND CREATED IN SECTION 16
13 OF THE INLAND LAKES AND STREAMS ACT OF 1972, ACT NO. 346 OF THE
14 PUBLIC ACTS OF 1972, BEING SECTION 281.966 OF THE MICHIGAN
15 COMPILED LAWS.

16 (2) The department shall comply with the accounting laws of
17 this state and the requirements with respect to submission of
18 budgets. The department ~~is hereby authorized to hire such~~ MAY
19 HIRE employees, assistants, and services that may be necessary
20 within the appropriation made ~~therefor~~ by the legislature and
21 ~~to~~ MAY delegate ~~such~~ THIS authority as may be necessary to
22 carry out the terms of this act.

23 Sec. 10. (1) ~~Any~~ EXCEPT AS PROVIDED IN SUBSECTION (2), A
24 person who excavates or fills, or in any manner alters or modi-
25 fies any of the land or waters subject to ~~the provisions of~~
26 this act without the approval of the department ~~shall be~~ IS
27 guilty of a misdemeanor, and upon conviction shall be fined not

1 more than \$1,000.00 or imprisoned not more than 1 year, or both
2 such fine and imprisonment. ~~Lands, the use of which are so~~
3 ~~changed,~~ LAND ALTERED OR MODIFIED IN VIOLATION OF THIS ACT shall
4 not be sold to any person convicted under this section at less
5 than fair, cash market value.

6 (2) A PERSON WHO COMMITS A MINOR OFFENSE IS GUILTY OF A MIS-
7 DEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00 FOR EACH
8 VIOLATION. A LAW ENFORCEMENT OFFICER MAY ISSUE AND SERVE AN
9 APPEARANCE TICKET UPON A PERSON FOR A MINOR OFFENSE PURSUANT TO
10 SECTIONS 9A TO 9G OF CHAPTER IV OF THE CODE OF CRIMINAL PROCE-
11 DURE, ACT NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTIONS
12 764.9A TO 764.9G OF THE MICHIGAN COMPILED LAWS.

13 (3) AS USED IN THIS SECTION, "MINOR OFFENSE" MEANS EITHER OF
14 THE FOLLOWING VIOLATIONS OF THIS ACT IF THE DEPARTMENT DETERMINES
15 THAT RESTORATION OF THE AFFECTED PROPERTY IS NOT REQUIRED:

16 (i) THE FAILURE TO OBTAIN A PERMIT UNDER THIS ACT.

17 (ii) A VIOLATION OF A PERMIT ISSUED UNDER THIS ACT.

18 Sec. 12. Unless a permit has been granted by the department
19 or authorization has been granted by the legislature, or except
20 as to boat wells and slips facilitating private, noncommercial,
21 recreational boat use, not exceeding 50 feet in length where the
22 spoil is not disposed of below the ordinary high-water mark of
23 the body of water to which it is connected, it is unlawful TO DO
24 ANY OF THE FOLLOWING:

25 (a) To construct, dredge, commence, or do any work with
26 respect to an artificial canal, channel, ditch, lagoon, pond,
27 lake, or similar waterway where the purpose is ultimate

1 connection ~~thereof~~ OF THE WATERWAY with any of the Great Lakes,
2 including Lake St. Clair.

3 (b) To connect any natural or artificially constructed
4 waterway, canal, channel, ditch, lagoon, pond, lake, or similar
5 waterway with any of the Great Lakes, including Lake St. Clair,
6 for navigation or any other purpose.

7 (C) TO DREDGE OR PLACE SPOIL OR OTHER MATERIAL ON
8 BOTTOMLAND.

9 (D) TO CONSTRUCT A MARINA.

10 Sec. 13. (1) Before any work or connection specified in
11 section 12 is undertaken a person shall file an application with
12 the department setting forth the following:

13 (a) The name and address of the applicant.

14 (b) The legal description of the ~~land~~ LANDS included in
15 the project.

16 (c) A summary statement of the purpose of the project.

17 (d) A map or diagram showing the proposal on an adequate
18 scale with contours and cross-section profiles of the waterway to
19 be constructed.

20 (e) Other information required by the department.

21 (2) ~~A fee of not less than \$50.00 shall accompany the~~
22 ~~application which fee shall be transmitted to the state treasurer~~
23 ~~for credit to the state's general fund.~~ EXCEPT AS PROVIDED IN
24 SUBSECTIONS (3) AND (4), AN APPLICATION FOR A PERMIT UNDER THIS
25 SECTION SHALL BE ACCOMPANIED BY A FEE ACCORDING TO THE FOLLOWING
26 SCHEDULE:

1 (A) FOR ACTIVITIES INCLUDED IN THE MINOR PROJECT CATEGORY AS
2 DESCRIBED IN RULES PROMULGATED UNDER THIS ACT, \$50.00.

3 (B) FOR CONSTRUCTION OF A MARINA, A FEE AS FOLLOWS:

4 (i) \$100.00 FOR A MARINA WITH 1-10 PROPOSED MARINA SLIPS.

5 (ii) \$500.00 FOR A MARINA WITH 11-50 PROPOSED MARINA SLIPS.

6 (iii) \$500.00 PLUS \$10.00 FOR EACH MARINA SLIP OVER 50 FOR A
7 MARINA WITH OVER 50 PROPOSED MARINA SLIPS.

8 (C) FOR MAJOR PROJECTS, INCLUDING ANY OF THE FOLLOWING
9 \$2,000.00:

10 (i) MAINTENANCE DREDGING OF 10,000 CUBIC YARDS OR MORE.

11 (ii) FILLING OF 10,000 CUBIC YARDS OR MORE.

12 (iii) SEAWALLS, BULKHEADS, OR REVETMENT OF 500 FEET OR
13 MORE.

14 (iv) FILLING OR DRAINING OF 1 ACRE OR MORE OF COASTAL
15 WETLAND.

16 (v) NEW DREDGING OR UPLAND BOAT BASIN EXCAVATION IN AREAS OF
17 SUSPECTED CONTAMINATION.

18 (vi) NEW BREAKWATER OR CHANNEL JETTY.

19 (vii) SHORE PROTECTION, SUCH AS GROINS AND UNDERWATER STABI-
20 LIZERS, THAT EXTEND 150 FEET OR MORE ON GREAT LAKES BOTTOMLANDS.

21 (viii) NEW COMMERCIAL DOCK OR WHARF OF 300 FEET OR MORE IN
22 LENGTH.

23 (D) FOR ALL OTHER PROJECTS, \$500.00.

24 (3) A PROJECT THAT REQUIRES REVIEW AND APPROVAL UNDER THIS
25 ACT AND 1 OR MORE OF THE FOLLOWING ACTS IS SUBJECT TO ONLY THE
26 SINGLE HIGHEST PERMIT FEE REQUIRED UNDER THIS ACT OR THE
27 FOLLOWING ACTS:

1 (A) THE INLAND LAKES AND STREAMS ACT OF 1972, ACT NO. 346 OF
2 THE PUBLIC ACTS OF 1972, BEING SECTIONS 281.951 TO 281.966 OF THE
3 MICHIGAN COMPILED LAWS.

4 (B) THE GOEMAERE-ANDERSON WETLAND PROTECTION ACT, ACT
5 NO. 203 OF THE PUBLIC ACTS OF 1979, BEING SECTIONS 281.701 TO
6 281.722 OF THE MICHIGAN COMPILED LAWS.

7 (C) THE SHORELANDS PROTECTION AND MANAGEMENT ACT OF 1970,
8 ACT NO. 245 OF THE PUBLIC ACTS OF 1970, BEING SECTIONS 281.631 TO
9 281.644 OF THE MICHIGAN COMPILED LAWS.

10 (D) ACT NO. 245 OF THE PUBLIC ACTS OF 1929, BEING
11 SECTIONS 323.1 TO 323.12A OF THE MICHIGAN COMPILED LAWS.

12 (4) IF WORK HAS BEEN DONE IN VIOLATION OF A PERMIT REQUIRE-
13 MENT UNDER THIS ACT AND RESTORATION IS NOT ORDERED BY THE DEPART-
14 MENT, THE DEPARTMENT MAY ACCEPT AN APPLICATION FOR A PERMIT IF
15 THE APPLICATION IS ACCOMPANIED BY A FEE EQUAL TO 2 TIMES THE
16 PERMIT FEE REQUIRED UNDER THIS SECTION.

17 (5) THE DEPARTMENT SHALL FORWARD ALL FEES COLLECTED UNDER
18 THIS SECTION TO THE STATE TREASURER FOR DEPOSIT INTO THE LAND AND
19 WATER MANAGEMENT PERMIT FEE FUND CREATED IN SECTION 16 OF ACT
20 NO. 346 OF THE PUBLIC ACTS OF 1972, BEING SECTION 281.966 OF THE
21 MICHIGAN COMPILED LAWS.

22 Section 2. This amendatory act shall not take effect unless
23 Senate Bill No. 238

24 of the 87th Legislature is enacted into law.