

# HOUSE BILL No. 5564

March 6, 1990, Introduced by Reps. Ostling, Emerson, Knight,  
Perry Bullard and Scott and referred to the Committee on Appropriations.

A bill to amend sections 3, 7, 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, 322.712, and 322.713 of the  
Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

6       Sec. 3. (1) Except as otherwise provided in this section,  
7 the department of natural resources, ~~hereinafter~~ referred to IN  
8 THIS ACT as the "department", after finding that the public trust

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

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

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

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

6 Sec. 7. ~~All moneys~~ MONEY received by the department from  
7 the sale, leasing, or other disposition of lands and water areas  
8 under this act shall be paid to the state treasurer and be cred-  
9 ited to the state's general fund AND SHALL BE AVAILABLE FOR  
10 APPROPRIATION TO THE DEPARTMENT TO BE USED TO DEFRAID THE ADMINIS-  
11 TRATIVE COSTS ASSOCIATED WITH THESE DISPOSITIONS. The department  
12 shall comply with the accounting laws of ~~this~~ THE state and the  
13 requirements with respect to submission of budgets. The depart-  
14 ment ~~is hereby authorized to hire such~~ MAY HIRE employees,  
15 assistants, and services that may be necessary within the appro-  
16 priation made ~~therefor~~ by the legislature and ~~to~~ MAY delegate  
17 ~~such~~ THIS authority as may be necessary to carry out the terms  
18 of this act.

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

26 (a) To construct, dredge, commence, or do any work with  
27 respect to an artificial canal, channel, ditch, lagoon, pond,

1 lake, or similar waterway where the purpose is ultimate  
2 connection ~~thereof~~ OF THE WATERWAY with any of the Great Lakes,  
3 including Lake St. Clair.

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

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

10 (D) TO CONSTRUCT A MARINA.

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

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

15 (b) The legal description of the lands included in the  
16 project.

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

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

21 (e) Other information required by the department.

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

1 (A) THE PERMIT APPLICATION FEE FOR ACTIVITIES MEETING THE  
2 MINOR PROJECT CATEGORY AS DESCRIBED IN RULES PROMULGATED UNDER  
3 SECTION 9 SHALL BE \$50.00.

4 (B) AN APPLICATION FOR A PERMIT FOR CONSTRUCTION OF A MARINA  
5 SHALL BE ACCOMPANIED BY A FEE OF:

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

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

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

10 (C) THE PERMIT APPLICATION FEE FOR ALL OTHER PERMIT APPLICA-  
11 TIONS SHALL BE \$500.00.

12 (3) A PROJECT THAT REQUIRES REVIEW AND APPROVAL UNDER THIS  
13 ACT AND 1 OR MORE OF THE FOLLOWING ACTS SHALL BE CHARGED ONLY 1  
14 PERMIT FEE THAT SHALL BE THE HIGHEST OF THE PERMIT FEES REQUIRED  
15 UNDER THIS ACT OR THE HIGHEST PERMIT FEE REQUIRED UNDER 1 OF  
16 THESE ACTS:

17 (A) THE INLAND LAKES AND STREAMS ACT, ACT NO. 346 OF THE  
18 PUBLIC ACTS OF 1972, BEING SECTIONS 281.951 TO 281.965 OF THE  
19 MICHIGAN COMPILED LAWS.

20 (B) THE GOEMAERE-ANDERSON WETLAND PROTECTION ACT, ACT  
21 NO. 203 OF THE PUBLIC ACTS OF 1979, BEING SECTIONS 322.701 TO  
22 322.715 OF THE MICHIGAN COMPILED LAWS.

23 (C) THE SHORELANDS PROTECTION AND MANAGEMENT ACT OF 1970,  
24 ACT NO. 245 OF THE PUBLIC ACTS OF 1970, BEING SECTIONS 281.631 TO  
25 281.644 OF THE MICHIGAN COMPILED LAWS.

26 (4) THE FEE FOR AN APPLICATION UNDER THIS ACT SHALL BE  
27 DEPOSITED IN THE STATE TREASURY TO THE CREDIT OF THE GENERAL FUND

1 AND SHALL BE AVAILABLE FOR APPROPRIATION TO THE DEPARTMENT TO BE  
2 USED TO DEFRAY THE COST OF REVIEWING PLANS AND SPECIFICATIONS AND  
3 FIELD INSPECTIONS TO DETERMINE COMPLIANCE WITH PERMITS ISSUED  
4 UNDER THIS ACT.