

HOUSE BILL No. 5664

December 8, 2009, Introduced by Reps. Sheltroun and Cushingberry and referred to the Committee on Great Lakes and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 32504 (MCL 324.32504), as added by 1995 PA 59.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32504. (1) ~~Application~~**AN APPLICATION** for a deed or lease
2 to unpatented lands or **AN** agreement for use of water areas over
3 patented lands shall be on forms provided by the department. An
4 application shall include a surveyed description of the lands or
5 water area applied for, together with a surveyed description of the
6 riparian or littoral property lying adjacent and contiguous to the
7 lands or water area, certified to by a registered land surveyor.
8 The description shall show the location of the water's edge at the
9 time it was prepared and other information that is required by the

1 department. The applicant shall be a riparian or littoral owner or
2 owners of property touching or situated opposite the unpatented
3 land or water area over patented lands applied for or an occupant
4 of that land. The application shall include the names and mailing
5 addresses of all persons in possession or occupancy or having an
6 interest in the adjacent or contiguous riparian or littoral
7 property or having riparian or littoral rights or interests in the
8 lands or water areas applied for, and the application shall be
9 accompanied by the written consent of all persons having an
10 interest in the lands or water areas applied for in the
11 application.

12 (2) Before an application is acted upon by the department, the
13 applicant shall secure approval of or permission for his or her
14 proposed use of ~~such~~**THE** lands or water area from any federal
15 agency as provided by law, the department with the advice of the
16 Michigan waterways commission, and the legislative body of the
17 local unit or units of government within which ~~such~~**THE** land or
18 water area is or will be included, or to which it is contiguous or
19 adjacent. A deed, lease, or agreement shall not be issued or
20 entered into by the department without ~~such~~**THESE** approvals or
21 permission. The department may also require the applicant to
22 furnish an abstract of title and ownership, and a 20-year tax
23 history on the riparian or littoral property that is contiguous or
24 adjacent to the lands or water area applied for, as well as on the
25 lands applied for, if available.

26 (3) **NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF AN**
27 **EXISTING STRUCTURE RESTING ON THE BOTTOMLANDS OF THE GREAT LAKES IS**

1 NO LONGER BEING USED IN COMPLIANCE WITH AN UNEXPIRED OR VALID
2 PERMIT, DEED, LEASE, OR AGREEMENT WITH THE STATE OR ISSUED BY THE
3 DEPARTMENT UNDER THIS PART, THE LOCAL UNIT OF GOVERNMENT ADJACENT
4 OR CONTIGUOUS TO THE BOTTOMLANDS ON WHICH THE STRUCTURE IS LOCATED,
5 OR A PERSON EXPRESSLY AUTHORIZED BY THAT LOCAL UNIT OF GOVERNMENT,
6 MAY APPLY FOR A PERMIT, LEASE, OR AGREEMENT FOR USE OF THE
7 STRUCTURE. AN APPLICATION SUBMITTED UNDER THIS SUBSECTION SHALL
8 INCLUDE A LEGAL DESCRIPTION OF THE LAND AND WATER AREA THAT IS
9 INTENDED TO BE UTILIZED, WHICH MAY BE INCORPORATED BY REFERENCE
10 FROM AN EARLIER INSTRUMENT, BUT NEED NOT INCLUDE A SURVEY.
11 FURTHERMORE, AN APPLICANT UNDER THIS SUBSECTION IS NOT REQUIRED TO
12 PROVIDE WRITTEN CONSENT OF ALL PERSONS HAVING AN INTEREST IN THE
13 LAND OR WATER AREA SUBJECT TO THE INTENDED USE AND IS NOT REQUIRED
14 TO PROVIDE AN ABSTRACT OF TITLE AND OWNERSHIP. UPON APPLICATION,
15 THE DEPARTMENT MAY AUTHORIZE A PERMIT, LEASE, OR AGREEMENT UNDER
16 THIS SUBSECTION FOR A PERIOD OF NOT MORE THAN 10 YEARS IF THE
17 INTENDED USE DURING THAT PERIOD IS MINOR IN NATURE, WILL CAUSE
18 MINIMAL ADVERSE ENVIRONMENTAL IMPACTS, SUCH AS THE IMPACTS CAUSED
19 BY WATER AND WIND MEASUREMENT, AND RELATED MONITORING, SAMPLING,
20 AND TESTING ACTIVITIES; AND WILL NOT CREATE ANY ADDITIONAL
21 NAVIGATIONAL HAZARDS BEYOND THOSE ALREADY PRESENT DUE TO THE
22 EXISTING STRUCTURES. A PERMIT, LEASE, OR AGREEMENT AUTHORIZED UNDER
23 THIS SUBSECTION SHALL NOT REQUIRE THE APPLICANT TO REMOVE THE
24 EXISTING STRUCTURES, IMPOSE ANY DECOMMISSIONING RESPONSIBILITY ON
25 THE APPLICANT FOR THOSE STRUCTURES, OR SHIFT ANY LIABILITY RELATED
26 TO THE STRUCTURES TO THE APPLICANT. DECOMMISSIONING AND REMOVAL
27 RESPONSIBILITY FOR THE EXISTING STRUCTURES SHALL REMAIN WITH THE

1 PERSON WITH WHOM IT RESIDED BEFORE THE TEMPORARY USE ALLOWED BY THE
2 DEPARTMENT UNDER THIS SUBSECTION.

3 (4) ~~(3)~~—The department shall require ~~the~~ **AN** applicant **FOR A**
4 **DEED, LEASE, OR AGREEMENT UNDER THIS SECTION** to deposit a fee ~~of~~
5 ~~not less than \$50.00~~ for each application filed. **THE FEE SHALL NOT**
6 **BE LESS THAN \$50.00, EXCEPT THAT THE FEE FOR AN APPLICATION UNDER**
7 **SUBSECTION (3) SHALL NOT BE MORE THAN \$50.00.** The fee shall be
8 deposited with the state treasurer to the credit of the state's
9 general fund. If a deed, lease, or other agreement is approved by
10 the department, the applicant is entitled to credit for the fee
11 against the consideration that is paid for the deed, lease, or
12 other agreement.