

SENATE BILL NO. 61

January 28, 2021, Introduced by Senator VICTORY and referred to the Committee on Environmental Quality.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 32502 (MCL 324.32502), as added by 1995 PA 59,
and by adding section 32517.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32502. The lands covered and affected by this part are
2 all of the unpatented lake bottomlands and unpatented made lands in
3 the Great Lakes, including the bays and harbors of the Great Lakes,

1 belonging to the state or held in trust by it, including those
2 lands that have been artificially filled in. The waters covered and
3 affected by this part are all of the waters of the Great Lakes
4 within the boundaries of the state. This part shall be construed so
5 as to preserve and protect the interests of the general public in
6 the lands and waters described in this section, to provide for the
7 sale, lease, exchange, or other disposition of unpatented lands and
8 the private or public use of waters over patented and unpatented
9 lands, and to permit the filling in of patented submerged lands
10 whenever it is determined by the department that the private or
11 public use of those lands and waters will not substantially affect
12 the public use of those lands and waters for hunting, fishing,
13 swimming, pleasure boating, or navigation or that the public trust
14 in the state will not be impaired by those agreements for use,
15 sales, lease, or other disposition. The word "land" or "lands" as
16 used in this part refers to the aforesaid described unpatented lake
17 bottomlands and unpatented made lands and patented lands in the
18 Great Lakes and the bays and harbors of the Great Lakes lying below
19 and lakeward of the natural ordinary high-water mark, but this part
20 does not affect property rights secured by virtue of a swamp land
21 grant or rights acquired by accretions occurring through natural
22 means or reliction. For purposes of this part, the ordinary high-
23 water mark shall be at the following elevations above sea level,
24 international Great Lakes datum of 1955: Lake Superior, 601.5 feet;
25 Lakes Michigan and Huron, 579.8 feet; Lake St. Clair, 574.7 feet;
26 ~~and Lake Erie, 571.6 feet;~~ **or the elevation of the surface of each**
27 **lake during calm water, whichever is higher.**

28 **Sec. 32517. (1) The department shall develop and make**
29 **available a simplified application for a permit under this part if**

1 the water level of any lake is 1 foot or more above the numeric
2 level specified for that lake in section 32502.

3 (2) An applicant may use the simplified application for a
4 shoreline protection structure if all of the following requirements
5 are met:

6 (a) The project falls within a shoreline protection minor
7 project category established under section 32512a.

8 (b) The work has not been done in violation of a permit
9 requirement under this part.

10 (3) The simplified permit application shall include all of the
11 following:

12 (a) The name, address, and telephone number of the property
13 owner and any other contact information required by the department.

14 (b) The location of the proposed structure by address and
15 legal description.

16 (c) A description of the purpose of the project.

17 (d) A description of project construction.

18 (e) A plan showing the project on an adequate scale with
19 contours and cross-section profiles.

20 (f) Other relevant information required by the department.

21 (4) All of the following apply to an application under this
22 section:

23 (a) The application period, notwithstanding the time frame in
24 section 1305(1), is 14 days.

25 (b) The processing period, notwithstanding the time frame in
26 section 1301(i), is 28 days.