

# HOUSE BILL No. 4778

May 28, 2013, Introduced by Reps. Franz, MacMaster, Kelly, Somerville, Genetski and Bumstead and referred to the Committee on Energy and Technology.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32503 and 32512 (MCL 324.32503 and 324.32512), as amended by 2012 PA 247.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 32503. (1) Except as otherwise provided in this section,  
2 the department, after finding that the public trust in the waters  
3 will not be impaired or substantially affected, may enter into  
4 agreements pertaining to waters over and the filling in of  
5 submerged patented lands, or to lease or deed unpatented lands,  
6 after approval of the state administrative board. ~~Quitclaim~~**THE**  
7 **DEPARTMENT MAY ISSUE OR ENTER INTO WITH ANY PERSON QUITCLAIM** deeds,  
8 leases, or agreements covering unpatented lands ~~may be issued or~~  
9 ~~entered into by the department with any person, and shall contain~~

1 ~~such~~ **AND CONTAINING** terms, conditions, and requirements as ~~as~~ **THAT** the  
 2 department determines to be just and equitable and in conformance  
 3 with the public trust. The department shall reserve to the state  
 4 all mineral rights, including, but not limited to, coal, oil, gas,  
 5 sand, gravel, stone, and other materials or products located or  
 6 found in those lands, except ~~where~~ **IF THE** lands are occupied or to  
 7 be occupied for residential purposes at the time of conveyance.

8 (2) The department shall not enter into a lease or deed that  
 9 allows drilling operations beneath unpatented lands for the  
 10 exploration or production of oil or gas.

11 **(3) THE DEPARTMENT SHALL NOT ENTER INTO A LEASE OR DEED THAT**  
 12 **ALLOWS THE USE OF UNPATENTED LANDS FOR THE SITING, PLACEMENT,**  
 13 **CONSTRUCTION, OPERATION, OR MAINTENANCE OF ANY STRUCTURE TO**  
 14 **RESEARCH WIND ENERGY DEVELOPMENT, ANY WIND TURBINE, OR ANY**  
 15 **EQUIPMENT OR STRUCTURE RELATED TO A WIND TURBINE, INCLUDING, BUT**  
 16 **NOT LIMITED, TO A TRANSMISSION LINE.**

17 **(4)** ~~(3)~~ An agreement, lease, or deed entered into under this  
 18 part by the department with the United States shall be entered into  
 19 and executed pursuant to the property rights acquisition act, 1986  
 20 PA 201, MCL 3.251 to 3.262.

21 Sec. 32512. (1) Except as provided in subsection (2), unless a  
 22 permit has been granted by the department pursuant to part 13 or  
 23 authorization has been granted by the legislature, or except as to  
 24 boat wells and slips facilitating private, noncommercial,  
 25 recreational boat use, not exceeding 50 feet in length where the  
 26 spoil is not disposed of below the ordinary high-water mark of the  
 27 body of water to which it is connected, a person shall not do any

1 of the following:

2 (a) Construct, dredge, commence, or do any work with respect  
3 to an artificial canal, channel, ditch, lagoon, pond, lake, or  
4 similar waterway where the purpose is ultimate connection of the  
5 waterway with any of the Great Lakes, including Lake St. Clair.

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

10 (c) Dredge or place spoil or other material on bottomland.

11 (d) Construct a marina.

12 (2) Except as provided in subsection (3), the following  
13 activities are not subject to regulation under this part:

14 (a) Leveling of sand, removal of vegetation, grooming of soil,  
15 or removal of debris, in an area of unconsolidated material  
16 predominantly composed of sand, rock, or pebbles, located between  
17 the ordinary high-water mark and the water's edge.

18 (b) Mowing of vegetation between the ordinary high-water mark  
19 and the water's edge.

20 (3) Subsection (2) does not apply to lands included in the  
21 survey of the delta of the St. Clair River, otherwise referred to  
22 as the St. Clair flats, located within Clay township, St. Clair  
23 county, as provided for in 1899 PA 175.

24 **(4) THE DEPARTMENT SHALL NOT GRANT A PERMIT UNDER THIS PART**  
25 **FOR THE SITING, PLACEMENT, CONSTRUCTION, OPERATION, OR MAINTENANCE**  
26 **OF ANY STRUCTURE TO RESEARCH WIND ENERGY DEVELOPMENT, ANY WIND**  
27 **TURBINE, OR ANY EQUIPMENT OR STRUCTURE RELATED TO A WIND TURBINE,**

1 INCLUDING, BUT NOT LIMITED TO, A TRANSMISSION LINE.