

HOUSE BILL No. 5761

January 20, 2010, Introduced by Rep. Hansen 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), section 32503 as amended by 2004 PA 325 and section 32512 as amended by 2003 PA 14.

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 deeds,

1 leases, or agreements covering unpatented lands may be issued or
2 entered into by the department with any person, and shall contain
3 such terms, conditions, and requirements as the department
4 determines to be just and equitable and in conformance with the
5 public trust. The department shall reserve to the state all mineral
6 rights, including, but not limited to, coal, oil, gas, sand,
7 gravel, stone, and other materials or products located or found in
8 those lands, except where lands are occupied or to be occupied for
9 residential purposes at the time of conveyance.

10 (2) A riparian owner shall not dredge or place spoil or other
11 materials on bottomland except as authorized by a permit issued by
12 the department pursuant to part 13.

13 (3) The department shall not enter into a lease or deed that
14 allows drilling operations beneath unpatented lands for the
15 exploration or production of oil or gas.

16 (4) **THE DEPARTMENT SHALL NOT ENTER INTO A LEASE OR DEED THAT**
17 **ALLOWS THE USE OF UNPATENTED LANDS FOR THE SITING, PLACEMENT,**
18 **CONSTRUCTION, OPERATION, OR MAINTENANCE OF ANY WIND TURBINE OR ANY**
19 **EQUIPMENT OR STRUCTURE RELATED TO A WIND TURBINE, INCLUDING, BUT**
20 **NOT LIMITED, TO A TRANSMISSION LINE, UNLESS THE LEGISLATURE, AFTER**
21 **THE ENACTMENT DATE OF THE AMENDATORY ACT THAT ADDED THIS**
22 **SUBSECTION, PROVIDES FOR A PUBLIC NOTICE AND COMMENT PROCESS,**
23 **PERMITTING REVIEW CRITERIA, AND LEASE OR DEED PROVISIONS AND**
24 **PROCEDURES APPLICABLE TO THE USE OF LANDS FOR SUCH SPECIFIC**
25 **PURPOSES.**

26 (5) ~~(4)~~—An agreement, lease, or deed entered into under this
27 part by the department with the United States shall be entered into

1 and executed pursuant to the property rights acquisition act, 1986
2 PA 201, MCL 3.251 to 3.262.

3 Sec. 32512. (1) Unless a permit has been granted by the
4 department or authorization has been granted by the legislature, or
5 except as to boat wells and slips facilitating private,
6 noncommercial, recreational boat use, not exceeding 50 feet in
7 length where the spoil is not disposed of below the ordinary high-
8 water mark of the body of water to which it is connected, a person
9 shall not do any of the following:

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

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

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

19 (d) Construct a marina.

20 ~~—— (2) Notwithstanding subsection (1), and with respect to lands~~
21 ~~covered and affected by this part, a permit or other approval is~~
22 ~~not required under this part for either of the following:~~

23 ~~—— (a) Until November 1, 2007, beach maintenance activities that~~
24 ~~meet all of the following conditions:~~

25 ~~—— (i) The activities shall not occur in environmental areas and~~
26 ~~shall not violate part 365 or rules promulgated under that part, or~~
27 ~~the endangered species act of 1973, Public Law 93-205, 87 Stat.~~

1 ~~884, or rules promulgated under that act.~~

2 ~~—— (ii) The width of any mowing of vegetation shall not exceed the~~
3 ~~width of the riparian property or 100 feet, whichever is less.~~

4 ~~—— (iii) All collected debris shall be disposed of properly outside~~
5 ~~of any wetland.~~

6 ~~—— (b) Until 3 years after the effective date of the amendatory~~
7 ~~act that added this subdivision, removal of vegetation as~~
8 ~~authorized in section 32516.~~

9 (2) NOTWITHSTANDING SUBSECTION (1), AND WITH RESPECT TO LANDS
10 COVERED BY THIS PART, THE DEPARTMENT SHALL NOT GRANT A PERMIT FOR
11 THE SITING, PLACEMENT, CONSTRUCTION, OPERATION, OR MAINTENANCE OF
12 ANY WIND TURBINE OR ANY EQUIPMENT OR STRUCTURE RELATED TO A WIND
13 TURBINE, INCLUDING, BUT NOT LIMITED TO, A TRANSMISSION LINE, UNLESS
14 THE LEGISLATURE, AFTER THE ENACTMENT DATE OF THE AMENDATORY ACT
15 THAT ADDED THIS SUBSECTION, PROVIDES FOR A PUBLIC NOTICE AND
16 COMMENT PROCESS, PERMITTING REVIEW CRITERIA, AND LEASE OR DEED
17 PROVISIONS AND PROCEDURES APPLICABLE TO THE USE OF LANDS FOR SUCH
18 SPECIFIC PURPOSES.