

# HOUSE BILL No. 4499

March 24, 2011, Introduced by Reps. Franz 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),  
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,  
7       leases, or agreements covering unpatented lands may be issued or  
8       entered into by the department with any person, and shall contain

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

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

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

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

20 (5) ~~(4)~~—An agreement, lease, or deed entered into under this  
21 part by the department with the United States shall be entered into  
22 and executed pursuant to the property rights acquisition act, 1986  
23 PA 201, MCL 3.251 to 3.262.

24 Sec. 32512. (1) Unless a permit has been granted by the  
25 department or authorization has been granted by the legislature, or  
26 except as to boat wells and slips facilitating private,  
27 noncommercial, recreational boat use, not exceeding 50 feet in

length where the spoil is not disposed of below the ordinary high-water mark of the body of water to which it is connected, a person shall not do any of the following:

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

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

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

(d) Construct a marina.

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

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

~~(i) The activities shall not occur in environmental areas and shall not violate part 365 or rules promulgated under that part, or the endangered species act of 1973, Public Law 93-205, 87 Stat. 884, or rules promulgated under that act.~~

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

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

~~(b) Until 3 years after the effective date of the amendatory~~

1 ~~act that added this subdivision, removal of vegetation as~~  
2 ~~authorized in section 32516.~~

3 (2) THE DEPARTMENT SHALL NOT GRANT A PERMIT UNDER THIS PART  
4 FOR THE SITING, PLACEMENT, CONSTRUCTION, OPERATION, OR MAINTENANCE  
5 OF ANY STRUCTURE TO RESEARCH WIND ENERGY DEVELOPMENT, ANY WIND  
6 TURBINE, OR ANY EQUIPMENT OR STRUCTURE RELATED TO A WIND TURBINE,  
7 INCLUDING, BUT NOT LIMITED TO, A TRANSMISSION LINE.