

HOUSE BILL No. 5288

November 6, 2003, Introduced by Rep. Walker and referred to the Committee on Great Lakes and Tourism.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32501, 32512, and 80159 (MCL 324.32501, 324.32512, and 324.80159), sections 32501 and 32512 as added by 1995 PA 59 and section 80159 as added by 1995 PA 58.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32501. As used in this part: ~~—, "marina~~

2 (a) **"Department"** means the department of environmental
3 quality.

4 (b) **"Marina purposes"** means an operation making use of
5 submerged bottomlands or filled-in bottomlands of the Great Lakes
6 for the purpose of service to boat owners or operators, which
7 operation may restrict or prevent the free public use of the
8 affected bottomlands or filled-in lands.

9 Sec. 32512. (1) Unless a permit has been granted by the

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

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

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

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

16 (d) Construct a marina.

17 (e) **Subject to subsections (2) and (3), place a mooring buoy**
18 **anchor on bottomland, or use a mooring buoy anchor that has been**
19 **placed on bottomland, without a permit. Only a riparian parcel**
20 **owner seeking a permit to place or use a mooring buoy anchor**
21 **directly lakeward of his or her parcel is eligible for a permit**
22 **under this subdivision. A permit for a mooring buoy anchor shall**
23 **contain all of the following conditions:**

24 (i) Each mooring buoy attached to the mooring buoy anchor
25 shall have the name and address of the riparian parcel owner on
26 the buoy in permanent 1-inch-high letters.

27 (ii) The swing of the vessel on a mooring buoy attached to

1 the mooring buoy anchor shall be entirely within the area
2 directly lakeward of the riparian parcel.

3 (iii) The location of a mooring buoy attached to the mooring
4 buoy anchor and any vessel attached to the mooring buoy shall not
5 constitute a hazard to navigation.

6 (iv) A mooring buoy attached to the mooring buoy anchor shall
7 comply with the uniform waterway marking system as provided in
8 R 281.1101 to 281.1114 of the Michigan administrative code.

9 (2) A mooring buoy anchor in place before the effective date
10 of the amendatory act that added this subsection shall comply
11 with subsection (1)(e) by January 1, 2004.

12 (3) The placement and use by a riparian owner of 1 mooring
13 buoy anchor for his or her riparian parcel is exempt from the
14 permit requirement of subsection (1)(e) if the mooring buoy
15 anchor and any mooring buoy attached to the mooring buoy anchor
16 is for noncommercial recreational use and complies with
17 subsection (1)(e)(i) through (iv).

18 Sec. 80159. (1) Except as provided in subsections (4) and
19 (5), buoys or beacons shall not be placed in the waters of this
20 state unless authorized by the department in writing.

21 (2) The department may authorize, through the issuance of
22 revocable permits, the placing of buoys or beacons in the waters
23 of this state to mark ~~obstruction~~ **obstructions** to navigation,
24 to designate bathing areas, to designate vessel anchorages, or
25 for any other purpose if it will promote safety or navigation.
26 ~~Any~~ A person who desires to place buoys or beacons in the
27 waters of this state, without expense to the state, shall make

1 application to the department in a form and containing
2 information required by the department. ~~Buoys or beacons,~~
3 ~~except for mooring buoys, shall not be placed in the waters of~~
4 ~~this state unless authorized by the department in writing.~~ If
5 authorization has been granted, the buoys or beacons shall be
6 placed only in accordance with the terms of the permit and shall
7 be considered lawfully placed.

8 (3) If buoys or beacons are placed in the waters of this
9 state without a permit having been issued, the department may
10 order their removal. If, in the judgment of the department,
11 buoys or beacons authorized by the department are found to be
12 improperly placed, the reason for their placement no longer
13 exists, or the buoys or beacons do not conform to the uniform
14 system of marking established by ~~state regulation~~ **rule**, the
15 department may revoke the permit authorizing their placement and
16 may order their removal. Revocation of permits and orders of
17 removal shall be by written notice to the person placing the
18 buoys or beacons or to the person to whom the permit was issued
19 at his or her last known address, directing the removal within a
20 specified time. The person to whom the notice is directed shall
21 remove the buoys or beacons in accordance with the instructions.
22 If the person fails to remove the buoys or beacons within the
23 specified time, the department may cause their removal, and the
24 cost and expense of the removal shall be charged against the
25 person authorized to place the buoys or beacons or, where
26 authorization has not been granted, the person placing such buoys
27 or beacons and shall be recoverable through any court of

1 competent jurisdiction.

2 (4) This section does not apply to mooring buoys.

3 (5) The placement of mooring buoys and mooring buoy anchors

4 in the Great Lakes is subject to part 325.