

COMMENTS OF ALABASTER TOWNSHIP

ON HB NO. 6564

FOR PRESENTATION

AT THE HOUSE COMMITTEE ON ENERGY AND TECHNOLOGY

HEARING ON THE BILL

AT ITS MEETING ON NOVEMBER 30, 2010

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- 1) Townships, not counties, should be the local unit of government nominating bottomlands for lease under proposed section 32417, and townships should be permitted to nominate a parcel for lease that is closer than three miles from the shoreline;
- 2) There should be a procedure for townships to lease bottomlands without going through the auction process set forth in HB 6564, i.e., a local government preference;
- 3) There should be a more streamlined and less expensive permit application process for local governmental units than contained in the bill for private parties;
- 4) Townships should share in the royalty payments, and maybe the rental payments, prescribed in proposed section 32447 in order to provide necessary incentives to enable development to occur and to recover related township costs caused by development;
- 5) The bill misses the opportunity in proposed section 32401(D) to resolve the reigning confusion created by the Michigan Supreme Court's July 29, 2005 Opinion in *Glass v Goeckel* about just exactly where the "ordinary high-water mark" can be found for properties bordering the Great Lakes;
- 5) The provisions of HB 5664 should either be incorporated into proposed section 32504B or the passage of HB 5664 should be "tie-barred" to the passage of HB 6564;
- 6) A better balance between energy development on the Great Lakes and their environmental protection needs to be struck because as written HB 6564 will discourage development and make it more expensive than it needs to be;
- 7) A better approach than this bill would be one legislatively authorized offshore pilot project on Lake Michigan and one on Lake Huron; and
- 8) This bill should not be passed during the lame duck session when there is no opportunity to debate its merits and demerits and develop carefully crafted amendments that enhance the former and fix the latter.