

## MARINA REGULATION

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### House Bill 5163

**Sponsor: Rep. Fran Amos**

**Committee: Tourism, Outdoor Recreation and Natural Resources**

**Complete to 4-28-08**

### A SUMMARY OF HOUSE BILL 5163 AS INTRODUCED 9-5-07

Among other things, Section 301 (Inland Lakes and Streams) of the Natural Resources and Environmental Protection Act (NREPA) and related administrative rules govern the construction and operation of marinas on inland lakes and streams in Michigan. Under Section 30102, a permit from the Department of Environmental Quality (DEQ) is required to build, maintain, or operate a marina except as otherwise provided in Part 301. Under Section 30103(b), a permit is not needed for seasonal structures placed on bottomland for the private noncommercial recreational use of the water if the structures (1) do not unreasonably interfere with the use of the water by others entitled to use the water or (2) interfere with water flow.

House Bill 5163 would revise the definition of "**marina**" to exclude facilities that provide for the docking and loading of recreational watercraft for riparian property owners on an inland lake or stream. Currently, under Section 30101(i), "marina" means "a facility that is owned or operated by a person, extends into or over an inland lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing of recreational watercraft." The bill would exclude from the definition of marina (and thereby also from the permit requirements of Section 30102) "**a facility that provides docking and loading of recreational watercraft only to the riparian owners of property located on the inland lake or stream in which the facility is located.**" The bill appears only to exempt facilities providing docking and loading services. A marina that provides "other servicing of recreational watercraft" to riparian owners would apparently remain subject to regulation.

(A "riparian owner" is defined in Section 30101(n) as "a person who has riparian rights." "Riparian rights" are defined in Section 30101(o)" as rights "associated with the ownership of the bank or shore of an inland lake or stream.")

Under Section 30101(1), the term "**structure**" *includes* a marina, wharf, dock, pier, dam, weir, stream deflector, breakwater, groin, jetty, sewer, pipeline, cable, *and* bridge." The bill would leave in the word "includes" but would change "and" to "or." We are unclear whether this change is intended to have a substantive effect.

**FISCAL IMPACT:**

This bill would have an indeterminate fiscal impact on the Department of Environmental Quality, and no fiscal impact on local governmental units. The actual revenue loss to the department would depend on the number and size of marinas exempted from the inspection fee under provisions of the proposed legislation.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.