

HOUSE BILL No. 5163

September 5, 2007, Introduced by Reps. Amos, Proos, Agema, Moss, Gaffney, Pastor and Nofs and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30101 (MCL 324.30101), as amended by 2006 PA 275.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30101. As used in this part:

2 (a) "Bottomland" means the land area of an inland lake or
3 stream that lies below the ordinary high-water mark and that may or
4 may not be covered by water.

5 (b) "Bulkhead line" means a line that is established pursuant
6 to this part beyond which dredging, filling, or construction of any
7 kind is not allowed without a permit.

8 (c) "Dam" means an artificial barrier, including dikes,
9 embankments, and appurtenant works, that impounds, diverts, or is

1 designed to impound or divert water.

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

4 (e) "Fund" means the land and water management permit fee fund
5 created in section 30113.

6 (f) "Height of the dam" means the difference in elevation
7 measured vertically between the natural bed of an inland lake or
8 stream at the downstream toe of the dam, or, if it is not across a
9 stream channel or watercourse, from the lowest elevation of the
10 downstream toe of the dam, to the design flood elevation or to the
11 lowest point of the top of the dam, whichever is less.

12 (g) "Impoundment" means water held back by a dam, dike,
13 floodgate, or other barrier.

14 (h) "Inland lake or stream" means a natural or artificial
15 lake, pond, or impoundment; a river, stream, or creek ~~which~~**THAT**
16 may or may not be serving as a drain as defined by the drain code
17 of 1956, 1956 PA 40, MCL 280.1 to 280.630; or any other body of
18 water that has definite banks, a bed, and visible evidence of a
19 continued flow or continued occurrence of water, including the St.
20 Marys, St. Clair, and Detroit rivers. Inland lake or stream does
21 not include the Great Lakes, Lake St. Clair, or a lake or pond that
22 has a surface area of less than 5 acres.

23 (i) "Marina" means a facility that is owned or operated by a
24 person, extends into or over an inland lake or stream, and offers
25 service to the public or members of the marina for docking,
26 loading, or other servicing of recreational watercraft. **MARINA DOES**
27 **NOT INCLUDE A FACILITY THAT PROVIDES DOCKING AND LOADING OF**

1 RECREATIONAL WATERCRAFT ONLY TO THE RIPARIAN OWNERS OF PROPERTY
2 LOCATED ON THE INLAND LAKE OR STREAM IN WHICH THE FACILITY IS
3 LOCATED.

4 (j) "Minor offense" means either of the following violations
5 of this part if the project involved in the offense is a minor
6 project as listed in R 281.816 of the Michigan administrative code
7 or the department determines that restoration of the affected
8 property is not required:

9 (i) The failure to obtain a permit under this part.

10 (ii) A violation of a permit issued under this part.

11 (k) "Ordinary high-water mark" means the line between upland
12 and bottomland that persists through successive changes in water
13 levels, below which the presence and action of the water is so
14 common or recurrent that the character of the land is marked
15 distinctly from the upland and is apparent in the soil itself, the
16 configuration of the surface of the soil, and the vegetation. On an
17 inland lake that has a level established by law, it means the high
18 established level. Where water returns to its natural level as the
19 result of the permanent removal or abandonment of a dam, it means
20 the natural ordinary high-water mark.

21 (l) "Project" means an activity that requires a permit pursuant
22 to section 30102.

23 (m) "Property owners' association" means any group of
24 organized property owners publishing a directory of their
25 membership, the majority of which are riparian owners and are
26 located on the inland lake or stream that is affected by the
27 proposed project.

1 (n) "Riparian owner" means a person who has riparian rights.

2 (o) "Riparian rights" means those rights ~~which~~**THAT** are
3 associated with the ownership of the bank or shore of an inland
4 lake or stream.

5 (p) "Seasonal structure" includes any type of dock, boat
6 hoist, ramp, raft, or other recreational structure that is placed
7 into an inland lake or stream and removed at the end of the boating
8 season.

9 (q) "Structure" includes a marina, wharf, dock, pier, dam,
10 weir, stream deflector, breakwater, groin, jetty, sewer, pipeline,
11 cable, ~~and~~**OR** bridge.

12 (r) "Upland" means the land area that lies above the ordinary
13 high-water mark.