

HOUSE BILL NO. 5880

June 27, 2024, Introduced by Reps. Hood, Arbit, Rheingans, Mentzer, Hill, O'Neal, Wilson, Brabec and Aiyash and referred to the Committee on Natural Resources, Environment, Tourism and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 784.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **PART 784**

2 **THE STRAITS OF MACKINAC NAVIGATION**

3 **Sec. 78401. As used in this part:**

4 **(a) "Large watercraft" means a watercraft, as defined in**

1 section 78101, that exceeds 700 feet in length.

2 (b) "Maritime pilot" means an individual licensed by the
3 United States Coast Guard or other federal agency to assist in
4 navigating a large watercraft through the Straits of Mackinac.

5 (c) "Straits of Mackinac" means the waters and lake
6 bottomlands in the area bounded on the west by a line beginning at
7 Latitude N 45° 46' 48.883" Longitude W 84° 47' 34.705" and
8 extending north to point Latitude N 45° 50' 23.169" Longitude W 84°
9 46' 8.476" and bounded on the east by a line beginning at Latitude
10 N 45° 47' 18.4812" Longitude W 84° 43' 55.2396" and extending north
11 to point Latitude N 45° 50' 46.086" Longitude W 84° 43' 24.1392".

12 Sec. 78402. (1) The operator of a large watercraft shall not
13 deploy, drag, set, or use equipment, including, but not limited to,
14 an anchor, chain, or cable, that may come into contact with the
15 bottomlands of the Straits of Mackinac.

16 (2) Subsection (1) does not apply to a large watercraft
17 exercising tribal usufructuary rights reserved in the March 28,
18 1836 Treaty of Washington (7 Stat 491) and as stated in the
19 November 2, 2007 Consent Decree (Dkt. 1799 in W.D. Mich. Case No.
20 2:73-cv-000026).

21 (3) A person who knowingly violates subsection (1) is guilty
22 of a felony punishable by imprisonment for not more than 4 years or
23 a fine of not more than \$10,000.00, or both. In addition, the court
24 shall order the defendant to reimburse this state for any
25 environmental cleanup costs or damages to natural resources
26 incurred as a result of the violation.

27 Sec. 78403. (1) Subject to subsection (2), the department
28 shall place and maintain buoys or beacons in the Straits of
29 Mackinac to mark obstructions to navigation, to designate emergency

1 anchorage areas, and for any other purpose that promotes safety or
2 efficient navigation.

3 (2) If an obstruction to navigation in the Straits of Mackinac
4 is owned by a person other than this state, the person that owns
5 the obstruction shall, in a manner required by the department,
6 place buoys or beacons to mark the obstruction within 90 days after
7 the effective date of this section and shall maintain the buoys or
8 beacons.

9 (3) A person who violates subsection (2) may be ordered to pay
10 a civil fine of not more than \$5,000.00. A violation of subsection
11 (2) may be prosecuted by the prosecutor for Chippewa County or the
12 attorney general.

13 Sec. 78404. (1) The operator of a large watercraft shall not
14 navigate the large watercraft in the Straits of Mackinac unless the
15 large watercraft is guided by a maritime pilot approved under
16 subsection (2). The department shall maintain a list of approved
17 maritime pilots and post the list on its website.

18 (2) To receive approval to guide a large watercraft in the
19 Straits of Mackinac, a maritime pilot must consult with the
20 department on the design of safe routes of passage tailored to the
21 size and maneuverability of a variety of large watercraft and to
22 weather and wind conditions throughout the year.

23 (3) A person who knowingly violates subsection (1) is guilty
24 of a felony punishable by imprisonment for not more than 4 years or
25 a fine of not more than \$5,000.00, or both.