DEPARTMENT OF NATURAL RESOURCES

LAW ENFORCEMENT DIVISION

ESTABLISHMENT OF RESTRICTED ANCHOR AND VESSEL EQUIPMENT ZONE
IN THE STRAITS OF MACKINAC

EMERGENCY RULE

Filed with the Secretary of State on May 24, 2018

This rule takes effect upon filing with the Secretary of State and shall remain in effect for 6 months.

(By the authority conferred on the Department of Natural Resources by section 80121 of 1994 PA 451, MCL 324.80121)

FINDING OF EMERGENCY

The Department of Natural Resources promulgates these rules to establish a restricted anchor and vessel equipment zone in the Straits of Mackinac applicable to vessels under the authority of Part 801, Marine Safety, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. The Department of Natural Resources finds that the use of anchors or other vessel equipment that may contact the bottomlands in the Straits of Mackinac by vessels as defined in MCL 324.80104(r) poses a threat to public health, safety, or welfare to the citizens and the environment of the state of Michigan due to the likelihood that such equipment may strike and damage critical infrastructure located on the lake bottomlands.

For example, on April 1, 2018, a vessel passed through the Straits of Mackinac with an anchor deployed and dragging along the bottomlands. The vessel’s anchor struck and dented two oil pipelines located on the bottomlands of the Straits, and then struck and damaged three active underwater electric cables and an abandoned electrical cable. The anchor strike caused a breach of two active electric cables, releasing dielectric fluid containing mineral oil and benzene, among other constituents, into the waters of the Straits of Mackinac. Both the mineral oil and benzene may cause adverse environmental effects and benzene is acutely toxic to aquatic life. Other critical infrastructure on the bottomlands in the Straits likewise transport materials that, if released into the Great Lakes, would have adverse effects on the environment and public health, safety, or welfare.

The possibility of future similar anchor or other equipment strikes to the infrastructure on the bottomlands in the Straits of Mackinac poses a significant and unacceptable risk to Michigan’s environment. In addition to the potential for environmental damage, any release could threaten public water supplies or create an energy shortage that threatens the public health, safety, or welfare.

The Department of Natural Resources, therefore, finds promulgation of emergency rules to regulate vessels’ use of anchors and other equipment that may contact the bottomlands in designated areas in the Straits of Mackinac is required without following the notice and participation procedures.

Rule 1. Except in cases of emergency or with prior written permission granted by the director of the department of natural resources, a vessel shall not deploy, drag, set, or use any anchor or any other vessel equipment that may come into contact with the lake bottomlands in the area bounded on the west by a line beginning at Latitude N 45° 46’ 48.883” Longitude W 84° 47’ 34.705” and extending north to point Latitude N 45° 50’ 23.169” Longitude W 84° 46’ 8.476” and bounded on the east by a line beginning at Latitude N 45° 47’ 18.4812” Longitude W 84° 43’ 55.2396” and extending north to point Latitude N 45° 50’ 46.086” Longitude W 84° 43’ 24.1392.”

Rule 2. Permission for use of an anchor or other vessel equipment that may contact the bottomlands in the area described in Rule 1 may be requested by writing to the department of natural resources at:

Director of the Department of Natural Resources
525 West Allegan Street
P.O. Box 30028
Lansing, MI 48909-7528

or by e-mailing DNR-Director@michigan.gov. Such request should contain a precise description of the area where use of an anchor or other equipment is requested and the reason for the request.


MICHIGAN DEPARTMENT OF NATURAL RESOURCES

Keith Creagh
Director

6/28/2018

Pursuant to Section 48(1) of 1969 PA 306, as amended, MCL 24.248(1), I hereby concur in the finding of the Department of Natural Resources that circumstances creating an emergency have occurred and the public interest requires the promulgation of the above rule.

Governor

5/24/18