

AGENDA

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY - WATER RESOURCES DIVISION

TRANSPORTATION AND NATURAL RESOURCES COMMITTEE STATE ADMINISTRATIVE BOARD

Transportation and Natural Resources Committee

April 23, 2024

State Administrative Board

April 23, 2024

This agenda is for general informational purposes only. At its discretion, the Transportation and Natural Resources Committee may revise this agenda and may take up other issues at the meeting.

GREAT LAKES SUBMERGED LANDS

DEEDS

1. Proposed Deed (0.21-acre) of Lake St. Clair public trust bottomlands, Clay Township, St. Clair County.

Applicant: William Mackie (File Middle Channel MC353)

Consideration: \$21,354.00 fee

- A. Purpose/Business Case (Why should the State do this now?): To authorize the sale of the State's public trust ownership of the subject Lake St. Clair bottomlands under Part 339, Control of Certain State Lands, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).
- B. Benefit: Compliance with Part 339.
- C. Funding Source/Income to the State: \$21,354.00 fee.
- D. Commitment Level (is the contract cost fixed for the project; is the contract optional use; is the contract based on estimates, therefore, no quantity is guaranteed?) or not applicable (N/A): N/A.
- E. Risk Assessment (i.e., is there risk to the State associated with the award, etc.?). If no, enter N/A: N/A.

AGREEMENTS

2. Proposed Use Agreement (0.52-acre) of Lake Huron public trust bottomlands, Port Austin Township, Huron County.

Applicant: Whalen's Grindstone Shores Inc. (File No LH-582)

Consideration: \$1,156.00 annual fee

- A. Purpose/Business Case (Why should the State do this now?): To authorize the conveyance of the State's public trust ownership of the subject Lake Michigan bottomlands under Part 325, Great Lakes Submerged Lands, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).
- B. Benefit: Compliance with Part 325.
- C. Funding Source/Income to the State: \$1,156.00 annual fee.
- D. Commitment Level (is the contract cost fixed for the project; is the contract optional use; is the contract based on estimates, therefore, no quantity is guaranteed?) or not applicable (N/A): N/A.
- E. Risk Assessment (i.e., is there risk to the State associated with the award, etc.?). If no, enter N/A: N/A.



Jerrod Sanders, Assistant Director
Water Resources Division
Department of Environmental Quality

April 15, 2024

Date

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

INTEROFFICE COMMUNICATION

TO: Jerrod Sanders, Assistant Division Director, Water Resources Division

FROM: Zach Chamberlin, Field Operations Support Section, Water Resources Division

DATE: March 25, 2024

SUBJECT: Proposed Deed to a 0.21-Acre Parcel of Filled Lake St. Clair Bottomlands, St. Clair Flats, Lot 353, Middle Channel Section, Clay Township, St. Clair County, William Mackie, HPP-QRAG-MX0EM, FLATS-MC353 - MACKIE

The purpose of this memorandum is to request your approval to submit the proposed bottomlands deed to the State Administrative Board. The Water Resources Division (WRD) recommends approval of the deed to an existing 0.21-acre parcel of filled Lake St. Clair public trust bottomlands in the St. Clair Flats, Lot 353, Middle Channel Section, Clay Township, St. Clair County, pursuant to Part 339, Control of Certain State Lands, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).

Legal Description of Subject Bottomlands

Part of Lot 353 of the State of Michigan "St. Clair Flats Survey" Act of 1899, the "Middle Channel", sheets 53 of 77, T.02N, R.16E, Clay Township, St. Clair County, Michigan, being more particularly described as:

Commencing at the northeast corner of said Lot 353; thence N.78°52'00"W. along the north line of said Lot 353 49.65 feet; thence S.12°11'13"W. 39.68 feet to the edge of a wood seawall and the point of beginning; thence continuing S.12°11'13"W. 192.01 feet to the edge of a steel seawall; thence N.74°32'55"W. along said steel seawall 7.92 feet; thence N.62°48'24"W. continuing along said steel seawall 43.39 feet; thence N.12°08'32"E. 180.46 feet to said wood seawall; thence S.77°39'39"E. along said wood seawall 49.99 feet to the point of beginning.

Containing +/- 0.21 acres (+/- 9,325.9 sq. ft.) all of which is above the ordinary high water mark (575.3, IGLD85). Subject to any and all rights-of-way, encumbrances, restrictions, and/or easements of record or otherwise.

Authority

Part 339 and Executive Order 2011-1.

Discussion and Background

The subject lot is currently leased from the State of Michigan pursuant to Part 339. Part 339 provides the Department of Environment, Great Lakes, and Energy (EGLE) with the authority to issue a deed for the filled area of the leased lot under certain conditions. This parcel meets those conditions as it is filled, has a cottage, and is maintained as lawn.

The applicant wishes to convert the existing filled area on the subject lot to a deed to obtain the State of Michigan's ownership interest in the Lake St. Clair public trust bottomlands occupied by this filled area of the leased lot. EGLE determined, pursuant to Part 339, the full consideration to be paid to the State of Michigan is \$21,354.00.

The applicant, who is the current leaseholder, has provided a satisfactory survey and the taxes are paid up to date. This item appeared in the December 15, 2023, EGLE Calendar. The investigation conducted by EGLE staff concluded that the described lands have no substantial value for hunting, fishing, swimming, pleasure boating, or navigation, and that the public trust in the remaining lands and waters will not be impaired by the sale of said described lands.

Recommendations

It is recommended that the above described parcel be authorized for a deed pursuant to Part 339 and Executive Order 2011-1. The parcel shall be limited only for the purpose of residential use.

After the WRD director approves this recommendation, this memorandum will be forwarded for review and approval to the State Administrative Board as required by Part 339. Upon approval by the State Administrative Board, the WRD will execute the legal documents authorizing the bottomlands conveyance.



March 25, 2024

Zach Chamberlin
Field Operations Support Section

Date

I concur with staff recommendation:



March 25, 2024

Amy Lounds
Field Operations Support Section

Date

I approve the staff recommendation:



March 25, 2024

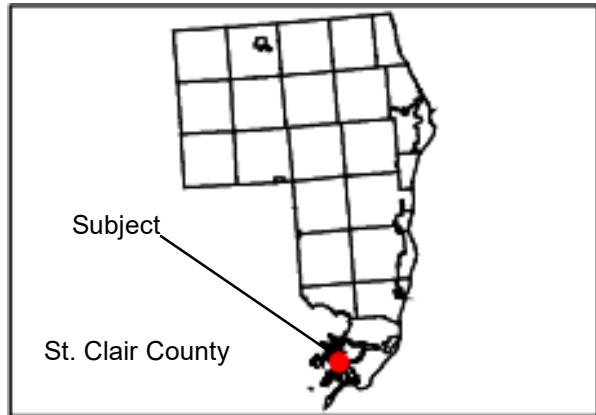
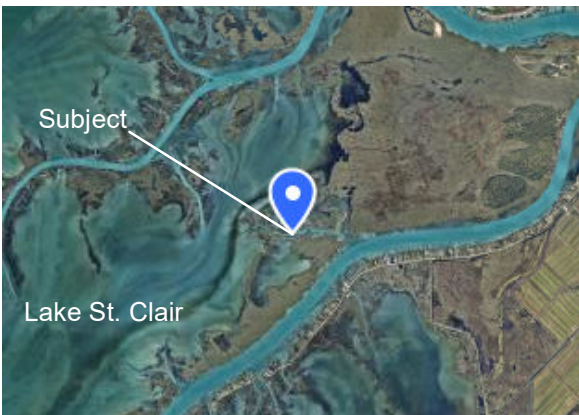
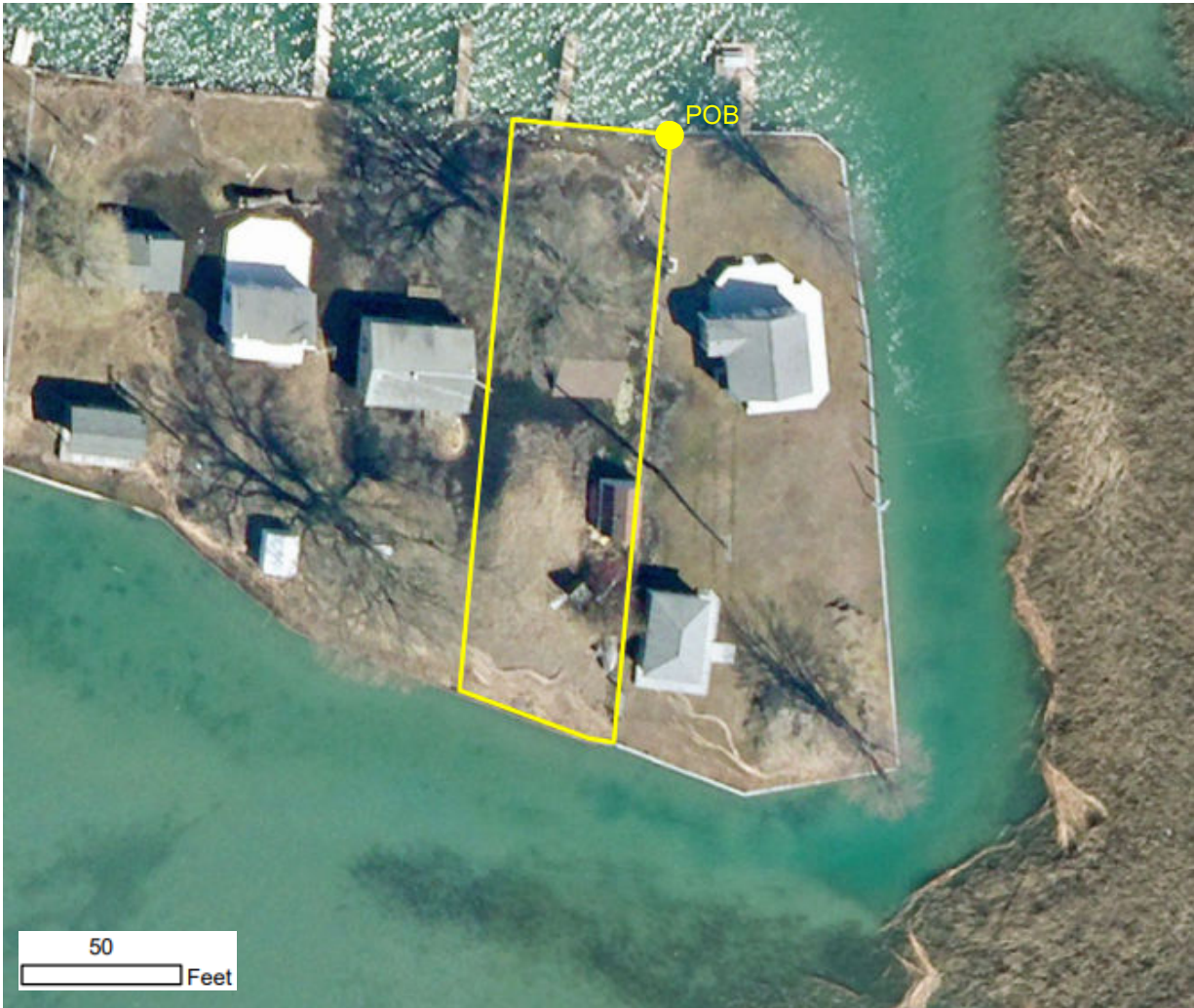
Jerrod Sanders, Assistant Division Director
Water Resources Division

Date

Proposed Deed to a 0.21-acre Parcel of Lake St. Clair Public Trust Bottomlands, St. Clair Flats, Clay Township, St. Clair County



TO: William Mackie - MC353



MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

INTEROFFICE COMMUNICATION

TO: Jerrod Sanders, Assistant Division Director, Water Resources Division

FROM: Zach Chamberlin, Field Operations Support Section, Water Resources Division

DATE: March 25, 2024

SUBJECT: Proposed Private Use Agreement of a 0.52-Acre Parcel of Lake Huron Public Trust Bottomlands, Port Austin Township, Huron name County, File Number LH-582, Whalen's Grindstone Shores

The purpose of this memorandum is to request your approval to submit the proposed private use agreement to the State Administrative Board. The Water Resources Division (WRD) recommends approval of the proposed private use agreement of a 0.52-acre parcel of Lake Huron public trust bottomlands in Port Austin Township, Huron County, pursuant to Part 325, Great Lakes Submerged Lands, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Legal Description of Subject Bottomlands

Filled Bottomlands 1:

Commencing at the NE Corner of LOT # 5, Block # 2, GRINDSTONE SHORES as Recorded in Liber 3 of Plats, Page 34 of the Huron County Records and the Point of Beginning RUNNING THENCE N68°43'12"E 21.84 feet, Thence S34°09'27"E 159.62 feet along the High Water Mark of Lake Huron, Thence S65°55'21"E 106.31 feet along the High Water Mark of Lake Huron, Thence S29°16'41"E 69.85 feet along the High Water Mark of Lake Huron, Thence S34°00'00"W 20.00 feet along the High Water Mark of Lake Huron, Thence N47°00'55"W 70.50 feet along the Easterly Line of said Plat, Thence N50°55'00"W 200.01 feet along the Easterly Line of said Plat, Thence N17°25'00"W 75.00 feet along the Easterly Line of said Plat to the Point of Beginning

Filled Bottomlands 2:

Commencing at the SE Corner of LOT # 9, Block # 2. GRINDSTONE SHORES as Recorded In Liber 3 of Plats, Page 34 of the Huron County Records and the Point of Beginning RUNNING THENCE N47°55'00"W 41.36 feet along the Easterly Line of said Plat, Thence N74°00'00"E 32.84 feet along the High Water Mark of Lake Huron, Thence S59°54'36"E 31.27 feet along the High Water Mark of Lake Huron, Thence S52°56'00"W 35.00 feet to the Point of Beginning.

Unfilled Bottomlands:

Commencing at the NE Corner of LOT # 5, Block # 2, GRINDSTONE SHORES as Recorded in Liber 3 of Plats, Page 34 of the Huron County Records, Thence N68°43'12"E 21.84 feet to the Point of Beginning RUNNING THENCE N68°43'12"E 27.00 feet, Thence S34°09'27"E 147.62 feet, Thence S65°55'21"E 113.62 feet, Thence S29°16'41"E 72.41 feet, Thence S59°54'36"E 70.90 feet, Thence S52°56'00"W 29.00 feet to a point lying N52°56'00"E E of the SE Corner of LOT # 9 of said Plat, Thence N59°54'36"W 31.27 feet along the High Water Mark of Lake Huron, S74°00'00"W 32.84 feet, Thence N47°55'00"W 23.04 feet along the Easterly Line of said Plat, Thence N34°00'00"E 20.00 feet along the High Water Mark of Lake Huron, Thence

N29°16'41"W 69.85 feet along the High Water Mark of Lake Huron, Thence N65°55'21"W 106.31 feet along the High Water Mark, Thence N34°09'27"W 159.62 feet along the High Water Mark of Lake Huron to the Point of Beginning.

Authority

Part 325, Rules 2 and 7 of the associated Great Lakes Submerged Lands Administrative Rules, and Executive Order 2011-1.

Discussion and Background

The subject bottomlands are located in Port Austin Township, Huron County. The subject bottomlands are located offshore of an existing hotel and campground. The proposed conveyance is for the mooring and rental of recreational watercraft.

The applicant has provided the necessary proof of upland ownership, a satisfactory survey, local government approvals, and a \$50 filing fee. The file was placed on public notice for 20 days beginning December 13, 2023. No adverse comments to this proposed private use agreement have been received from the Department of Natural Resources' Parks and Recreation Division, local health department, U.S. Army Corps of Engineers, or general public. The investigation conducted by EGLE staff concluded that the applicant may occupy and use the water area and the described unpatented bottomlands without impairing or substantially injuring the public trust.

Recommendations

It is recommended that you approve the application to have the described bottomlands conveyed by private use agreement to the applicant under authority of Part 325, being Sections 324.32501 to 324.32515 of the Michigan Compiled Laws Annotated, and Executive Order 2011-1.


After approval of this recommendation, this memorandum will be forwarded for review and approval to the State Administrative Board as required by Part 325. Upon approval by the State Administrative Board, the WRD will execute the legal documents authorizing the bottomlands conveyance.

The recommendation for the private use agreement will include the following conditions, in addition to standard conditions, as approved by the Department of Attorney General:

1. The term of this agreement is 25 years from and after the date of execution of this agreement by the EGLE; provided that the subject bottomlands are used for the mooring and rental of recreational watercraft.
2. The proposed use agreement shall be null and void if the facility is converted to another use. Renewal for an additional 25-year term may be granted upon request of the applicant and upon a determination by EGLE that all the conditions have been met during the first term.

3. An annual fee of \$1,156 shall be paid to EGLE for use of the subject bottomlands. The annual fee shall be adjusted every five years beginning in 2025.
4. This agreement authorizes the use and occupancy of 0.52 acres of Lake Huron public trust bottomlands for mooring and rental of recreational watercraft.

Attachment




Zach Chamberlin
Field Operation Support Section

March 25, 2024

Date

I concur with staff recommendation:




Amy Lounds, Supervisor
Field Operation Support Section

March 25, 2024

Date

I approve the staff recommendation:



Jerrod Sanders, Assistant Division Director
Water Resources Division

March 25, 2024

Date

Proposed Private Use Agreement to 0.52-Acre of Lake Huron Public Trust Bottomlands



To: Whalen's Grindstone Shores Inc - LH-582

