

108TH CONGRESS
1ST SESSION

H. R. 2687

To allow beach maintenance and grooming of certain areas.

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2003

Mr. STUPAK introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

A BILL

To allow beach maintenance and grooming of certain areas.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. BEACH GROOMING AND MAINTENANCE OF**
4 **CERTAIN AREAS.**

5 (a) IN GENERAL.—In accordance with section 404(e)
6 of the Federal Water Pollution Control Act (33 U.S.C.
7 1344), the Secretary of the Army, acting through the
8 Chief of Engineers, shall conduct a rulemaking proceeding
9 for issuance of a general permit in Michigan to allow
10 beach maintenance and grooming for the Great Lakes
11 Systems and Lake Saint Clair in the area below the ordi-

1 nary high-water mark and above the water's edge in ac-
2 cordance with 14 Public Act 2003, Michigan.

3 (b) PERMITTED ACTIVITIES.—The beach mainte-
4 nance and grooming shall include—

5 (1) manual or mechanized leveling of sand;

6 (2) mowing of vegetation to a height of not less
7 than 2 inches;

8 (3) manual or de minimis removal of vegeta-
9 tion;

10 (4) construction and maintenance of a path;
11 and

12 (5) grooming the top 4 inches of soil in the area
13 of Great Lakes riparian lands lying between the or-
14 dinary high-water mark and the water's edge.

15 (c) DEFINITIONS.—For purposes of this section, the
16 following definitions apply:

17 (1) LEVELING OF SAND.—The term “leveling of
18 sand” means the relocation of sand within areas
19 being leveled that are predominantly free of vegeta-
20 tion, including the redistribution, grading, and
21 spreading of sand that has been deposited through
22 wind or wave action onto upland riparian property.

23 (2) MOWING OF VEGETATION.—The term
24 “mowing of vegetation” means the cutting of vegeta-

1 tion to a height of not less than 2 inches, without
2 disturbance of soil or plant roots.

3 (3) REMOVAL OF VEGETATION.—The term “re-
4 moval of vegetation” means the manual or mecha-
5 nized removal of vegetation, other than the manual
6 deminimis removal of vegetation.

7 (4) GROOMING OF SOIL.—The term “grooming
8 of soil” means the raking or dragging, pushing, or
9 pulling metal teeth through the top 4 inches of soil
10 without disturbance of or destruction to plant roots,
11 for the purpose of removing debris.

12 (5) PATH.—The term “path” means a tem-
13 porary access walkaway from the upland riparian
14 property directly to the shoreline across swales with
15 standing water, not exceeding 6 feet in bottom width
16 and consisting of sand and pebbles obtained from
17 the exposed, nonvegetated bottomlands or from the
18 upland riparian property.

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