

HOUSE BILL NO. 6251

June 16, 2022, Introduced by Rep. Howell and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 63103a, 63103b, and 63203 (MCL 324.63103a, 324.63103b, and 324.63203), sections 63103a and 63103b as amended by 2011 PA 214 and section 63203 as amended by 2005 PA 299.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 63103a. **(1)** A ferrous mineral operator shall not engage
- 2 in the mining of ferrous minerals except as authorized by a permit
- 3 issued by the department pursuant to part 13. The department shall

1 not issue a permit unless the applicant has submitted to the
2 department, in addition to the permit application, a mining and
3 reclamation plan for the proposed ferrous mining activity as
4 prescribed by section 63103b.

5 **(2) A court may consolidate all appeals relating to approval**
6 **or denial of permits required under this act for a ferrous mineral**
7 **mine.**

8 Sec. 63103b. The mining and reclamation plan submitted under
9 section 63103a shall include all of the following for the total
10 project:

11 (a) The method and direction of mining.

12 (b) Surface overburden stripping plans.

13 (c) The depth of grade level over the entire site from which
14 the ferrous mineral will be removed.

15 (d) Provisions for grading, revegetation, and stabilization
16 that will minimize soil erosion, sedimentation, and public safety
17 concerns.

18 (e) The location of buildings, equipment, stockpiles, roads,
19 or other features necessary to the mining activity and provisions
20 for their removal and restoration of the area at the project
21 termination.

22 (f) The interim use or uses of reclaimed areas before the
23 cessation of the entire mining operation.

24 (g) Maps and other supporting documents required by the
25 department.

26 (h) Fencing or other techniques to minimize trespass or
27 unauthorized access to the mining activity.

28 (i) If required by the department when mining activity below
29 the water table is proposed, a hydrogeological survey of the

1 surrounding area.

2 (j) If threatened or endangered species are identified, an
3 indication of how the threatened or endangered species will be
4 protected or, if not protected, what mitigation measures will be
5 performed.

6 (k) If the proposed mining activity includes beneficiation or
7 treatment of the ferrous ore or material mined for its ferrous
8 content, the application documents shall include specific plans
9 depicting the beneficiation and treatment methods and techniques,
10 and manufacturer's material safety data sheets on all chemicals or
11 other additives that are not natural to the site, that will be
12 utilized in the process. The operator shall obtain all applicable
13 state and federal permits before beginning the beneficiation
14 process.

15 **(l) Future land uses for which the mining area will be made**
16 **suitable by reclamation.**

17 Sec. 63203. (1) The department shall administer and enforce
18 this part in order to regulate nonferrous metallic mineral mining.
19 In addition to other powers granted to it, the department may
20 promulgate rules it considers necessary to carry out its duties
21 under this part, including standards for construction, operation,
22 closure, postclosure monitoring, reclamation, and remediation of a
23 nonferrous metallic mineral mine. ~~However, the~~ **Beginning 1 year**
24 **after the effective date of the 2022 amendatory act that amended**
25 **this section, the rules shall include specific and objective**
26 **standards and procedures to ensure that mining operations will not**
27 **pollute, impair, or destroy the air, water, or other natural**
28 **resources or the public trust in those resources, in accordance**
29 **with part 17 of this act, or harm the public health or safety. In**

1 promulgating the rules, the department shall take into account the
2 extent to which other permit determinations afford protection to
3 natural resources. For the purposes of this subsection, excavation
4 and removal of nonferrous metallic minerals and of associated
5 overburden and waste rock, in and of itself, does not constitute
6 pollution, impairment, or destruction of those natural resources.
7 The department shall not promulgate any additional rules under this
8 part after ~~February 15, 2006.~~ **later than 18 months after the**
9 **effective date of the 2022 amendatory act that amended this**
10 **section.**

11 (2) The department may do either of the following:

12 (a) Enter at ~~all~~ **any** reasonable ~~times in or upon~~ **time** a mining
13 area for the purpose of inspecting and investigating conditions
14 relating to the operation of ~~a~~ **the** mining area. However, an
15 investigation or inspection under this subsection shall comply with
16 the United States constitution, the state constitution of 1963, and
17 this section.

18 (b) Conduct research or enter into contracts related to mining
19 areas and the reclamation of mining areas as may be necessary to
20 implement this part.

21 (3) Subject to subsections (4) and (5), a local unit of
22 government shall not regulate or control mining or reclamation
23 activities that are subject to this part, including construction,
24 operation, closure, postclosure monitoring, reclamation, and
25 remediation activities, and does not have jurisdiction concerning
26 the issuance of permits for those activities.

27 (4) A local unit of government may enact, maintain, and
28 enforce ordinances, regulations, or resolutions affecting mining
29 operations if the ordinances, regulations, or resolutions do not

1 duplicate, contradict, or conflict with this part. In addition, a
2 local unit of government may enact, maintain, and enforce
3 ordinances, regulations, or resolutions regulating the hours at
4 which mining operations may take place and routes used by vehicles
5 in connection with mining operations. However, such ordinances,
6 regulations, or resolutions shall be reasonable in accommodating
7 customary nonferrous metallic mineral mining operations.

8 (5) Subsections (3) and (4) do not prohibit a local unit of
9 government from conducting water quality monitoring.

10 Enacting section 1. This amendatory act does not take effect
11 unless Senate Bill No.____ or House Bill No.____ (request no.
12 06212'22) of the 101st Legislature is enacted into law.