

# HOUSE BILL No. 4329

February 17, 2005, Introduced by Reps. Proos, Schuitmaker, Baxter and Tobocman and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 63712 (MCL 324.63712), as added by 1995 PA 57.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 63712. (1) Prior to the initiation of a disturbance of  
2       land, the holder of a sand dune mining permit shall file with the  
3       department a conformance bond in favor of the state.

4       (2) The conformance bonds shall be filed for a maximum of 3  
5       active cell-units and 3 cell-units in interim cell-unit status  
6       within the sand dune mining permit and shall be for an amount equal  
7       to \$10,000.00 per cell-unit or \$1,000.00 per each acre in the cell-  
8       units, whichever is greater, for cell-units bonded prior to June  
9       23, 1994. For all cell-units that are bonded after June 23, 1994,

1 the conformance bond shall be for an amount equal to ~~-\$20,000.00~~  
2 **\$50,000.00** per cell-unit or ~~-\$2,000.00~~ **\$5,000.00** per each acre in  
3 the cell-units, whichever is greater. The bond for a cell-unit  
4 bonded prior to June 23, 1994 shall remain in effect until the  
5 cell-unit is released from the requirements of the conformance bond  
6 as provided in subsection (4) or the cell-unit boundary is revised  
7 as approved by the department. If an existing cell-unit boundary is  
8 revised, the conformance bond for the cell-unit shall be increased  
9 to the amounts provided for cell-units bonded after June 23, 1994.

10 (3) The conformance bonds shall be transferable to other cell-  
11 units contained within the sand dune mining permit upon faithful  
12 conformance with the approved **PROGRESSIVE CELL-UNIT MINING AND**  
13 reclamation plan as provided in section 63706.

14 (4) The conformance bond shall be conditioned upon the  
15 faithful performance of the requirements set forth in the approved  
16 **PROGRESSIVE CELL-UNIT MINING AND** reclamation plan as provided in  
17 section 63706. Liability under the conformance bond shall be  
18 maintained as long as the reclamation is not completed in  
19 compliance with the approved **PROGRESSIVE CELL-UNIT MINING AND**  
20 **RECLAMATION** plan. The conformance bond shall remain in full force  
21 until the release of the cell-unit from the conformance bond  
22 requirements, including the period of time the cell-unit may have  
23 been placed in interim cell-unit status.

24 (5) The department shall not reclassify a cell-unit from  
25 active to interim cell-unit status until the following minimum  
26 conditions or requirements have been met:

27 (a) All permitted sand dune mining activities within the cell-

1 unit have been completed.

2 (b) All extraction or processing equipment has been removed  
3 from the cell-unit, except that a roadway, conveyor, or slurry  
4 pipeline corridor may be maintained through a cell-unit and the  
5 cell-unit still may be reclassified to interim cell-unit status.  
6 This roadway, conveyor, or slurry pipeline corridor shall be  
7 considered part of the plant site and shall be removed and  
8 revegetated as provided by section 63706(1)(e).

9 (c) All upland areas within the cell-unit that were disturbed  
10 by sand dune mining have been regraded as provided in section  
11 63706(3)(a).

12 (d) All submerged grades within the cell-unit established by  
13 sand dune mining have been regraded as provided in section  
14 63706(3)(b).

15 (e) All upland areas within the cell-unit that were disturbed  
16 by sand dune mining have been revegetated utilizing native or  
17 indigenous species or other plant material pursuant to the approved  
18 progressive cell-unit mining and reclamation plan as provided in  
19 section 63706(1). The vegetation that has been planted shall have  
20 germinated or taken root and cover a minimum of 80% of the upland  
21 areas disturbed by sand dune mining, and no single area exposed to  
22 the elements shall be greater than 25 square feet.

23 (f) The operator shall provide proper measures to aid in the  
24 establishment of growth of the planted vegetation until adequate  
25 root systems have developed to provide sustained growth.

26 (6) The department may reclassify an active cell-unit to  
27 interim cell-unit status upon receipt of a written request by the

operator. The department shall conduct an on-site inspection of the reclamation activities that have been completed and determine if the completed reclamation activities are adequate to reclassify the active cell-unit to interim cell-unit status. The department shall schedule the on-site inspection within 45 days of the written request. The department shall notify the operator within 30 days following the date of the inspection of the department's decision to grant or deny the request for interim cell-unit status. If the department determines the reclamation activities conducted within the cell-unit do not meet the conditions and requirements for interim cell-unit status, the notification shall include information detailing the reasons for denial.

(7) If the department determines the status of an active cell-unit does not meet the conditions or requirements for reclassification to interim cell-unit status, the operator may not reapply for reclassification of the same active cell-unit until 1 year from the previous request.

(8) Notification shall be given to the operator upon completion or acceptance by the department of the reclamation activity. The notification constitutes the release of the cell-unit from the conformance bond requirements if **ALL OF THE FOLLOWING CONDITIONS ARE MET:**

(a) All permitted sand dune mining activities within the cell-unit have been completed.

(b) All extraction or processing equipment has been removed from the cell-unit, except a roadway, conveyor, or slurry pipeline corridor may be maintained through a cell-unit and the cell-unit

1 still released from bond. This roadway, conveyor, or slurry  
2 pipeline corridor shall be considered part of the plant site and  
3 shall be removed and revegetated as provided by section  
4 63706(1)(e).

5 (c) All upland areas within the cell-unit that were disturbed  
6 by sand dune mining have been regraded as provided in section  
7 63706(3)(a).

8 (d) All submerged grades within the cell-unit established by  
9 sand dune mining have been regraded as provided in section  
10 63706(3)(b).

11 (e) All upland areas within the cell-unit that were disturbed  
12 by sand dune mining have been revegetated utilizing native or  
13 indigenous species or other plant material pursuant to the approved  
14 **PROGRESSIVE CELL-UNIT MINING AND** reclamation plan as provided in  
15 section 63706(1).

16 (f) There are no areas within the revegetated portions of the  
17 cell-unit where a 10-foot by 10-foot test plot can be measured with  
18 less than 80% survival of the planted vegetation.

19 (g) The plant material ~~shall be required to sustain~~ **IN**  
20 **REVEGETATED AREAS HAS SUSTAINED** itself through 1 full growing  
21 season.

22 (h) There are no areas within the revegetated portion of the  
23 cell-unit with ongoing erosion, except ~~some wind erosion shall be~~  
24 ~~allowed if the~~ wind erosion that ~~is occurring~~ does not threaten  
25 the stability of the regraded slopes or the ability of the plant  
26 material to accommodate the accretion of sand.

27 (9) Mining or extraction of sand dune minerals from any other

1 cell-unit contained within the sand dune mining permit is  
2 prohibited until compliance or approval is attained from the  
3 department.

4 (10) A violation of this section constitutes grounds for  
5 revocation of the sand dune mining permit.