

# HOUSE BILL No. 4330

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 63706 (MCL 324.63706), as added by 1995 PA 57.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 63706. (1) The progressive cell-unit mining and  
2       reclamation plan, for both the total project and each cell-unit,  
3       shall include all of the following:
- 4           (a) The method and direction of mining.  
5           (b) Surface overburden stripping plans.  
6           (c) The depth of grade level over the entire site from which  
7       the sand will be removed.  
8           (d) Provisions for grading, revegetation, and stabilization  
9       that will minimize shore and soil erosion, sedimentation, and

1 public safety problems.

2 (e) The location of buildings, equipment, stockpiles, roads,  
3 or other features necessary to the mining activity and provisions  
4 for their removal and restoration of the area at the project  
5 termination.

6 (f) Provisions for buffer areas, landscaping, and screening.

7 (g) The interim use or uses of reclaimed cell-units before the  
8 cessation of the entire mining operation.

9 (h) Maps and other supporting documents required by the  
10 department.

11 (2) The department shall not issue a sand dune mining permit  
12 for any of the following:

13 (a) A sand dune mining operation that existed before March 31,  
14 1977, if the progressive cell-unit mining and reclamation plan  
15 includes more than 3 30-acre cell-units.

16 (b) A sand dune mining operation that commenced after March  
17 31, 1977, if the progressive cell-unit mining and reclamation plan  
18 includes any cell-unit having an area exceeding 10 acres.

19 (c) The expansion of an existing sand dune mining operation if  
20 that expansion includes any cell-unit having an area exceeding 10  
21 acres.

22 (3) ~~The~~ **IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1),**  
23 **THE** progressive cell-unit mining and reclamation plan for sand dune  
24 mining permits issued 30 days or more after June 23, 1994 shall  
25 meet the following requirements:

26 (a) All upland reclamation grades for sand dune mining  
27 operations shall have a slope not steeper than 1-foot vertical rise

1 in a 3-foot horizontal plane, except that the department may  
2 approve plans that allow steeper reclaimed slopes in order to  
3 provide a smoother transition to undisturbed topographic features  
4 or the protection of existing environmental features.

5 (b) All submerged grades established by the excavation of  
6 material below the water table and the creation of a water body  
7 shall have underwater slopes as follows:

8 (i) For water bodies with a surface area less than 5 acres, the  
9 submerged grades shall be 1-foot vertical rise in a 3-foot  
10 horizontal plane, or flatter, to a depth of 6 feet.

11 (ii) For water bodies with a surface area 5 acres or greater,  
12 the submerged grades shall be 1-foot vertical rise in a 6-foot  
13 horizontal plane, or flatter, to a depth of 6 feet.

14 (iii) For all water bodies where the progressive cell-unit  
15 mining and reclamation plan designates a final use after sand dune  
16 mining as public access, the area designated for public access  
17 shall have submerged grades of 1-foot vertical rise in a 10-foot  
18 horizontal plane, or flatter, to a depth of 6 feet.

19 (c) A 200-foot minimum setback distance from the property line  
20 to the cell-unit boundary line shall be provided on all cell-unit  
21 mining and reclamation plans, except the department may approve  
22 plans with less than 200-foot minimum setback distances if the  
23 department determines that the sand dune mining activity is  
24 compatible with the adjacent existing land use.

25 (d) A 500-foot minimum setback distance from the ordinary  
26 high-water mark of the Great Lakes shall be provided on all cell-  
27 unit mining and reclamation plans. As used in this subdivision,

1 ordinary high-water mark means for the lands bordering or adjacent  
2 to waters or land affected by levels of the Great Lakes landward of  
3 the ordinary high-water mark as defined by section 32502, and those  
4 lands between the ordinary high-water mark and the water's edge.

5 (e) All cell-unit mining and reclamation plans shall include  
6 fencing or other techniques to minimize trespass or unauthorized  
7 access to the sand dune mining activity.

8 (f) If the proposed sand dune mining activity proposes to mine  
9 below the water table, the department may require a hydrogeological  
10 survey of the surrounding area.

11 (g) If threatened or endangered species are identified within  
12 the cell-unit boundaries, the cell-unit mining and reclamation plan  
13 shall indicate how the threatened or endangered species shall be  
14 protected or, if not protected, what mitigation measures shall be  
15 performed.

16 (h) If the proposed sand dune mining activity includes  
17 beneficiation or treatment of the sand, the application documents  
18 shall include specific plans depicting the methods, techniques, and  
19 manufacturer's material safety data sheets on all chemicals, or  
20 other additives that are not natural to the site, that will be  
21 utilized in the process. The operator shall also obtain all  
22 applicable state and federal permits prior to beginning the  
23 beneficiation process.

24 **(4) A PROGRESSIVE CELL-UNIT MINING AND RECLAMATION PLAN SHALL**  
25 **REQUIRE THAT, WITHIN 6 MONTHS AFTER MINING CEASES WITHIN A CELL-**  
26 **UNIT, RECLAMATION OF THAT CELL-UNIT SHALL BEGIN. WITHIN 2 YEARS**  
27 **AFTER MINING CEASES WITHIN A CELL-UNIT, ALL RECLAMATION ACTIVITIES**

1 SHALL BE COMPLETED.