

HOUSE BILL No. 5546

February 17, 2004, Introduced by Reps. LaSata, Dennis and Vander Veen and referred to the Committee on Agriculture and Resource Management.

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
7 equal to \$10,000.00 per cell-unit or \$1,000.00 per each acre in
8 the cell-units, whichever is greater, for cell-units bonded prior
9 to June 23, 1994. For all cell-units that are bonded after
10 June 23, 1994, the conformance bond shall be for an amount equal

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

10 (3) The conformance bonds shall be transferable to other
11 cell-units contained within the sand dune mining permit upon
12 faithful conformance with the approved **progressive cell-unit**
13 **mining and** 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
16 approved **progressive cell-unit mining and** reclamation plan as
17 provided in section 63706. Liability under the conformance bond
18 shall be maintained as long as the reclamation is not completed
19 in compliance with the approved **progressive cell-unit mining and**
20 **reclamation** plan. The conformance bond shall remain in full
21 force until the release of the cell-unit from the conformance
22 bond requirements, including the period of time the cell-unit may
23 have 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

1 cell-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
18 approved progressive cell-unit mining and reclamation plan as
19 provided in section 63706(1). The vegetation that has been
20 planted shall have germinated or taken root and cover a minimum
21 of 80% of the upland areas disturbed by sand dune mining, and no
22 single area exposed to the elements shall be greater than 25
23 square feet.

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

27 (6) The department may reclassify an active cell-unit to

1 interim cell-unit status upon receipt of a written request by the
2 operator. The department shall conduct an on-site inspection of
3 the reclamation activities that have been completed and determine
4 if the completed reclamation activities are adequate to
5 reclassify the active cell-unit to interim cell-unit status. The
6 department shall schedule the on-site inspection within 45 days
7 of the written request. The department shall notify the operator
8 within 30 days following the date of the inspection of the
9 department's decision to grant or deny the request for interim
10 cell-unit status. If the department determines the reclamation
11 activities conducted within the cell-unit do not meet the
12 conditions and requirements for interim cell-unit status, the
13 notification shall include information detailing the reasons for
14 denial.

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

20 (8) Notification shall be given to the operator upon
21 completion or acceptance by the department of the reclamation
22 activity. The notification constitutes the release of the
23 cell-unit from the conformance bond requirements if **all of the**
24 **following conditions are met:**

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

27 (b) All extraction or processing equipment has been removed

1 from the cell-unit, except a roadway, conveyor, or slurry
2 pipeline corridor may be maintained through a cell-unit and the
3 cell-unit still released from bond. This roadway, conveyor, or
4 slurry pipeline corridor shall be considered part of the plant
5 site and shall be removed and revegetated as provided by section
6 63706(1)(e).

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

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

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

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

21 (g) The plant material **in revegetated areas** shall be required
22 to sustain itself through 1 full growing season.

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

1 (9) Mining or extraction of sand dune minerals from any other
2 cell-unit contained within the sand dune mining permit is
3 prohibited until compliance or approval is attained from the
4 department.

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