

## EXEMPT MINING ACTIVITY FROM PART 301 PERMIT

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**House Bill 4401 (Substitute H-4)**

**Sponsor: Rep. Peter Pettalia**

**Committee: Natural Resources**

**Complete to 10-9-14**

## A SUMMARY OF HOUSE BILL 4401 AS REPORTED FROM COMMITTEE 9-23-14

House Bill 4401 would amend Part 301 (Inland Lakes and Streams) of the Natural Resources and Environmental Protection Act (MCL 324.30103) to exempt certain excavation and mining activities from needing a permit under Part 301.

Specifically, the bill would exempt *excavation or mining activities associated with an active mining operation* from needing a permit under Part 301, unless the activities create an inland lake with a surface area of five acres or more. If the activities do not result in the creation of an inland lake, or if an inland lake is created but is maintained at less than five acres, a Part 301 permit would not be required unless the means of controlling the lake's surface area fails to keep it below five acres.

Generally, under Part 301, individuals cannot do any of the following without obtaining a permit from the Department of Environmental Quality:

- Dredge or fill bottomland.
- Build, expand, or remove a structure on bottomland.
- Build, reconfigure, or expand a marina.
- Create, expand, or diminish an inland lake or stream.
- Structurally interfere with the natural flow of an inland lake or stream.
- Connect a natural or artificially created waterway with an existing inland lake or stream.

The bill also would prohibit the DEQ from requiring any additional studies for a project seeking a renewal of its permit if the scope of the project has not materially increased. A material increase in the scope of a project would be defined as an increase of 10% or more to the horizontal or vertical extent of excavation below the water table compared with the maximum excavation below the water table allowed under the original permit.

If the scope has not materially increased, the department would be required to approve the renewal application within 30 days, unless the department demonstrates by a preponderance of sound scientific evidence that the originally permitted activity has had an adverse effect on human health or the environment. The cost of a permit renewal for such a project which has not materially increased its scope would be limited to not more than \$250, other provisions of Part 301 notwithstanding.

**FISCAL IMPACT:**

House Bill 4401 would have no significant fiscal impact on the Department of Environmental Quality or local units of government.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.