

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)**  
**Act 451 of 1994**

**324.63401 Definitions.**

Sec. 63401. As used in this part:

(a) "Administratively complete" refers to an application for a mining permit under this part that includes the fee and all of the documents and other information required under this part and any rules promulgated under this part.

(b) "Conformance bond" means a surety bond that has been executed by a surety company authorized to do business in this state, cash, a certificate of deposit, a letter of credit, or other security filed by a person and accepted by the department to ensure compliance with this part or rules promulgated under this part.

(c) "Department" means the department of environmental quality.

(d) "Fund" means the small native copper mine surveillance fund created in section 63415.

(e) "Life of the mine" means the period from initiation of mining activities through the completion of reclamation.

(f) "Mine" or "mining" means an operation to excavate or remove earth material that generates not less than 10,000 tons and not more than 75,000 tons of waste rock in a calendar year or disturbs not less than 1 acre and not more than 10 acres of land in a calendar year in the regular operation of a business for the primary purpose of extracting native copper by 1 or both of the following:

(i) Removing the overburden lying above natural deposits of native copper and excavating directly from the natural deposits thus exposed or by excavating directly from deposits lying exposed in their natural state.

(ii) Excavating from below the surface of the ground by means of shafts, tunnels, or other subsurface openings.

(g) "Mining activity" means any of the following activities within a mining area for the purpose of, or associated with, mining:

(i) Clearing and grading of land.

(ii) Drilling and blasting.

(iii) Excavation of earth materials to access or remove ore.

(iv) Crushing, grinding, or separation activities.

(v) Reclamation.

(vi) Transportation of overburden, waste rock, ore, and tailings within the mining area.

(vii) Storage, relocation, and disposal of overburden, waste rock, ore, and tailings within a mining area, including backfilling of mined areas.

(viii) Construction of water impoundment and drainage features.

(ix) Construction of haul roads.

(x) Construction of utilities or extension of existing utilities.

(xi) Withdrawal, transportation, and discharge of water in connection with mining.

(h) "Mining area" means all of the following:

(i) Land from which material is removed by surface or open pit mining methods.

(ii) Land on which adits, shafts, or other openings between the land surface and underground mine workings are located.

(iii) Land on which material from mining is deposited.

(iv) Land on which crushing, grinding, or separation facilities are located.

(v) Land on which water reservoirs used in connection with mining are located.

(i) "Mining permit" or "permit" means a permit issued under section 63405 for conducting mining activities.

(j) "Native copper" means copper in its elemental form.

(k) "Operator" means a person that is engaged in or preparing to engage in mining activities, whether individually or jointly, or through agents, employees, or contractors, and that has overall responsibility for the mining activities.

(l) "Permittee" means a person that holds a mining permit.

(m) "Waste rock" means earth material that is excavated during mining, from which the economically recoverable native copper has been separated, and that is stored on the surface for 1 year or more. Waste rock does not include earth material from excavation or grading done in preparation for commencement of mining.

**History:** Add. 2017, Act 40, Eff. Aug. 21, 2017.

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