

material.

History: Add. 2004, Act 449, Imd. Eff. Dec. 27, 2004

### **324.63202 Legislative findings.**

Sec. 63202.

The legislature finds that:

- (a) It is the policy of this state to foster the conservation and development of the state's natural resources.
- (b) Discoveries of nonferrous metallic sulfide deposits have resulted in intensive exploration activities and may lead to the development of 1 or more mines.
- (c) Nonferrous metallic sulfide deposits are different from the iron oxide ore deposits currently being mined in Michigan in that the sulfide minerals may react, when exposed to air and water, to form acid rock drainage. If the mineral products and waste materials associated with nonferrous metallic sulfide mining operations are not properly managed and controlled, they can cause significant damage to the environment, impact human health, and degrade the quality of life of the impacted community.
- (d) The special concerns surrounding nonferrous metallic mineral mining warrant additional regulatory measures beyond those applied to the current iron mining operations.
- (e) Nonferrous metallic mineral mining may be an important contributor to Michigan's economic vitality. The economic benefits of nonferrous metallic mineral mining shall occur only under conditions that assure that the environment, natural resources, and public health and welfare are adequately protected.

History: Add. 2004, Act 449, Imd. Eff. Dec. 27, 2004

### **324.63203 Nonferrous metallic mineral mining; administration and enforcement; rules; regulation or control by local units of government.**

Sec. 63203.

- (1) The department shall administer and enforce this part in order to regulate nonferrous metallic mineral mining. In addition to other powers granted to it, the department may promulgate rules it considers necessary to carry out its duties under this part, including standards for construction, operation, closure, postclosure monitoring, reclamation, and remediation of a nonferrous metallic mineral mine. However, the department shall not promulgate any additional rules under this part after February 15, 2006.
- (2) The department may do either of the following:
  - (a) Enter at all reasonable times in or upon a mining area for the purpose of inspecting and investigating conditions relating to the operation of a mining area. However, an investigation or inspection under this subsection shall comply with the United States constitution, the state constitution of 1963, and this section.
  - (b) Conduct research or enter into contracts related to mining areas and the reclamation of mining areas as may be necessary to implement this part.
- (3) Subject to subsections (4) and (5), a local unit of government shall not regulate or control mining or reclamation activities that are subject to this part, including construction, operation, closure, postclosure monitoring, reclamation, and remediation activities, and does not have jurisdiction concerning the issuance of permits for those activities.
- (4) A local unit of government may enact, maintain, and enforce ordinances, regulations, or resolutions affecting mining operations if the ordinances, regulations, or resolutions do not duplicate, contradict, or conflict with this part. In addition, a local unit of government may enact, maintain, and enforce ordinances, regulations, or resolutions regulating the hours at which mining operations may take place and routes used by vehicles in connection with mining operations. However, such ordinances, regulations, or resolutions shall be reasonable in accommodating customary nonferrous metallic mineral mining operations.
- (5) Subsections (3) and (4) do not prohibit a local unit of government from conducting water quality monitoring.

History: Add. 2004, Act 449, Imd. Eff. Dec. 27, 2004 ;-- Am. 2005, Act 299, Imd. Eff. Dec. 21, 2005