

HOUSE BILL 4038

Sponsor: Rep. Dennis Cawthorne

**Analysis Section
House of Representatives
Committee: Conservation, Environment
and Recreation**

**Material in this analysis complete to 2-14-75.
Additional information may follow.**

1. The Bill as Originally Introduced Would Create a New Public Act and Would Provide the Following:

The bill would require that, within 1 year of its effective date, the Department of Natural Resources (DNR) be directed to make a study and inventory of sand dune areas in the state and prepare a plan for the use and management of Great Lake shoreline dunes. (The bill would affect those dunes within 1 mile of the ordinary high-water mark of the Great Lakes.) The report would include an economic study of sand mining practices in the state; a list of sand dune areas that for environmental and other reasons should be protected through purchase by the state or acquisition of mineral rights by the state; a priority list of lands to be acquired by the DNR; and plans for the gradual phasing-out of sand dune mining practices in the state, including an assessment of the economic impact of such an action and alternatives to the use of dune sand and sand itself.

The bill would prohibit, after July 1, 1975, the extraction of sand from sand dunes without a permit from the DNR. In applying for a permit, a person or firm would be required to disclose the area of the proposed activity; the proposed method of mining; and a plan for reclaiming the area to be mined, including plans for restoration as the mining progresses. Upon receiving the application and a fee of \$100, the DNR could issue permits valid for up to 1 year and renewable upon payment of \$100. Prior to the commencement of operations, a permit holder would be required to file a bond in the amount of \$5000, or \$100 per acre, whichever is greater, conditioned upon the satisfaction of the requirements of this act. Liability under the bond would continue until reclamation is completed. A permit holder would also be required to file a report by January 31 of each year, disclosing the mining and reclamation activities of the preceding year.

No permit could be issued for mining activities to take place within 2500 feet of the ordinary high-water mark of a Great Lake, as defined in section 322.702 of the Michigan Compiled Laws.

The DNR, upon application from a permit holder, could permit variances from the rules promulgated under this act, if it determines that the variances are not contrary to the public interest. The DNR would promulgate rules necessary for the implementation of this act in accordance with the Administrative Procedures Act of 1969.

The bill would require that, before July 1, 1976, any person or firm planning to extract or presently extracting sand from a sand dune submit a 15-year plan to the DNR, disclosing the following information: the location and acreage of dune lands presently being mined; the location and acreage of dune lands which that person or firm intends to mine; any contracts or agreements with a municipality or person for the purpose of sand mining in a dune area; a schedule indicating tentative commencement and completion dates of mining activities; and whatever additional information is requested by the Director of the DNR.

The bill also provides that, at the request of the DNR, the Attorney General would initiate court action to prevent a violation of this act or the rules promulgated under it. Date of introduction: 1-9-75.