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CONTACT: Jennifer Fiedler, (517) 321-6467
jenn@michigantownships.org



michigan municipal league

Coalition urges Senate committee to vote 'no' on new sand and gravel mining bills

Harmful legislation would silence local voices on aggregate mining operations across the state



Legislation removing local authority and creating an ineffective oversight program in the Michigan Department of Environment, Great Lakes, and Energy (EGLE) over the location and operations of sand and gravel mining would have a dangerous, detrimental effect on Michigan communities, residents and the environment, according to an eight-member coalition of statewide organizations that have joined together to urge opposition to the newly introduced Senate Bills 429-431.



The Senate Transportation and Infrastructure Committee will hold a hearing on Thursday, May 13 to hear testimony on the bills, which would allow sand and gravel pits to operate essentially whenever and wherever they would like. The unnecessary bills would eliminate local zoning authority and oversight capability—regardless of where the operation is located or its impact to nearby residents, schools, businesses, hospitals or others.



MICHIGAN ENVIRONMENTAL COUNCIL

The legislation is a preemptive assault on local control, and runs counter to sound planning and zoning principles. One bill seeks to amend the Michigan Zoning Enabling Act to prohibit a township or county from regulating any aggregate mining and eliminate jurisdiction over the issuance of a permit, approval or any authorization on the location, operation or reclamation of an aggregate mine, with certain minor exceptions. Under the bills, the permitting process would be completely removed from the local level and instead shifted to EGLE—a state takeover of local regulation, eliminating local say from the individuals closest to—and most impacted by—the mining operations.



“Michigan residents elect their local leaders to act on their behalf for the best interests of the community and the people they serve,” said MTA Executive Director Neil Sheridan. “This extremely harmful legislation strips away the ability of local officials to advocate for and respond to their

communities' wants and needs. The impact that mining operations can have on a community or neighborhood can be far-reaching and last for decades. Local oversight, on behalf of those most affected, is critical, and we urge senators to respect and retain local control."

Circumstances in one community are very different than in another community and local governments are best equipped to address those issues. Every community should have a voice over issues impacting their neighborhoods and quality of life.

"These bills take away local control while replacing it with a statewide program that serves as written only to say yes to aggregate mining," said Sean Hammond, policy director at Michigan Environmental Council. "As written, these bills broadly preempt even local character issues that should be left to the locals, while also not providing for a truly robust regulatory review of these mines through an EGLE permit. Instead of creating a true protective statewide standard, these bills simply serve to try and remove as much oversight from the industry as possible."

"The principle of local control, the idea that the level of government closest to the issue is going to have the best handle on it, is one that has served Michigan well for more than a century. The Legislature should stick with that wisdom now," said Stephan Currie, executive director of the Michigan Association of Counties.

The negative consequences of the legislation could have a shattering effect to municipalities throughout the state. "These bills would have a devastating impact on our cities and villages," said Jennifer Rigterink, legislative associate for the Michigan Municipal League. "This proposed legislation is all about profit for the industry and has no regard for people, communities, or local zoning decisions that provide the delicate balance of industry and protecting the health, safety and welfare of all."

Coalition members support access to materials necessary to fix Michigan's roads. However, the current process allows for local governments to balance those needs along with those of their community. This legislation eliminates that ability for local governments to protect the interests and safety of their residents, students, business and property owners, and the environment.

"Senate Bills 429, 430 and 431 are unnecessary solutions in search of a problem," said Andrea Brown, AICP, executive director of the Michigan Association of Planning. "Stripping away meaningful local input into potentially harmful sand and gravel extraction activities is an unnecessary constraint. Unlike other states, Michigan doesn't know specifically where gravel resources are, nor the type and quality of those resources. Without a comprehensive inventory, these conflicts will only continue. Reactive legislative 'solutions' that consider the interests of the industry but not municipalities are not good policy."

Coalition members include the Michigan Townships Association, Michigan Municipal League, Michigan Association of Counties, Michigan Association of Planning, Southeast Michigan Council of Governments, Michigan Environmental Council, Michigan League of Conservation Voters, and Michigan Lakes and Streams Association.

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