



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

Minutes of the House Standing Committee
on
Natural Resources

Wednesday, May 2, 2018

9:00 a.m.

Room 326, House Office Building

The House Standing Committee on Natural Resources was called to order by Representative Gary Howell, Chair.

The Clerk called the roll; members present were **Representatives Howell, LaFave, Maturen, Bellino, Rendon, VanderWall, Sowerby, Chang, and Cambensy. (9/9)**
The Clerk announced that a quorum was present.

The Chair laid before the committee the minutes of April 25, 2018 as printed.

Representative Chang moved to adopt the minutes of April 25, 2018, as printed. There being no objection the motion prevailed by unanimous consent of the members present; the minutes were adopted as printed.

The Chair laid before the committee Senate Bills 839, 840, and 881.

SB 839 (Casperson) Natural resources; mining; certain amendments to a mining permit; allow by written notification to department of environmental quality.

SB 840 (Casperson) Environmental protection; water pollution; certain waste collection or treatment facilities; exempt from certain permit requirements.

SB 881 (Casperson) Environmental protection; water pollution; exemptions for tailings disposal facilities; modify.

Sarah M. Howes, Legislative Liaison in the Executive Division of the Michigan Department of Environmental Quality, submitted testimony cards in support of the bills, but did not wish to speak.

Harold R. Fitch, State Geologist and Director of the Oil, Gas, and Minerals Division in the Michigan Department of Environmental Quality, submitted a testimony card in support of Senate Bill 839 as amended.

Rod Gordon, representing the Sierra Club, submitted a testimony card in opposition to the bill package, but did not wish to speak.

Nicholas Occhipinti, Government Affairs Director Michigan League of Conservation Voters, submitted a testimony card in opposition to Senate Bills 839 and 881, but did not wish to speak.

Gary Owen, representing the Lundin Mining Company's Eagle Mine, submitted a testimony card in support of Senate Bills 839 and 840.

Representative Cambensy offered and moved to adopt the following amendment to Senate Bill 839:

1. Amend page 5, line 9, by striking out all of subsection (7) and inserting:

"(7) A PERMITTEE MAY SUBMIT TO THE DEPARTMENT A WRITTEN REQUEST TO RELOCATE, RECONFIGURE, OR MODIFY SHAFTS, TUNNELS, OR OTHER SUBSURFACE OPENINGS OR SURFACE FACILITIES, BUILDINGS, OR EQUIPMENT, OTHER THAN A TAILINGS BASIN OR A STOCKPILE, WITHOUT OBTAINING AN AMENDMENT TO THE PERMIT UNDER SUBSECTION (6). WITHIN 30 DAYS AFTER RECEIVING THE REQUEST, THE DEPARTMENT SHALL GRANT OR DENY THE REQUEST AND NOTIFY THE PERMITTEE IN WRITING OF THE DEPARTMENT'S DETERMINATION. SUBJECT TO SUBSECTION (6)(A)(ii), THE DEPARTMENT SHALL GRANT THE REQUEST IF ALL OF THE FOLLOWING APPLY:

(A) ANY PROPOSED RELOCATION, RECONFIGURATION, OR MODIFICATION OF SHAFTS, TUNNELS, OR OTHER SUBSURFACE OPENINGS WILL NOT RESULT IN SUBSIDENCE OF OTHER ADVERSE ENVIRONMENTAL IMPACTS. THE PERMITTEE'S REQUEST SHALL INCLUDE INFORMATION DEMONSTRATING THAT THE REQUIREMENTS OF THIS SUBDIVISION, IF APPLICABLE, ARE MET.

(B) ANY PROPOSED RELOCATION, RECONFIGURATION, OR MODIFICATION OF SURFACE FACILITIES, BUILDINGS, OR EQUIPMENT, OTHER THAN A TAILINGS BASIN OR A STOCKPILE, WILL TAKE PLACE WITHIN THE PERMITTED MINING AREA."

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives Howell, LaFave, Maturen, Bellino, Rendon, VanderWall, and Cambensy, (7/9)

Nays: Representatives Sowerby and Chang. (2/9)

The amendment was adopted.

Representative VanderWall moved to report Senate Bill 839 with the recommendation that the amendment be adopted and that the bill then pass.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives Howell, LaFave, Maturen, Bellino, Rendon, VanderWall, and Cambensy, (7/9)

Nays: Representatives Sowerby and Chang. (2/9)

The bill and the amendment were referred to the order of Second Reading of Bills.

Representative LaFave moved to report Senate Bill 840 without amendment and with the recommendation that the bill pass.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives Howell, LaFave, Maturen, Bellino, Rendon, VanderWall, and Cambensy, (7/9)

Nays: Representatives Sowerby and Chang. (2/9)

The bill was referred to the order of Second Reading of Bills.

Representative Rendon moved to report Senate Bill 881 without amendment and with the recommendation that the bill pass.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives Howell, LaFave, Maturen, Bellino, Rendon, VanderWall, and Cambensy, (7/9)

Nays: Representatives Sowerby and Chang. (2/9)

The bill was referred to the order of Second Reading of Bills.

The Chair laid before the committee House Bill 5638.

HB 5638 (Miller) Water; conservation; adverse resource impact from water withdrawal; revise standards for determining.

Representative Aaron Miller, the bill sponsor, explained the (H-1) substitute for the bill. Questions followed.

The Chair offered the (H-1) substitute for House Bill 5638.

Representative Bellino moved to adopt substitute (H-1) to House Bill 5638.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives Howell, LaFave, Maturen, Bellino, Rendon, VanderWall, Sowerby, Chang and Cambensy, (9/9)

Nays: None. (0/9)

The substitute was adopted.

Dr. Bryan Burroughs, Executive Director for Michigan Trout Unlimited, testified in opposition of the bill. Questions followed. The Chair requested a written copy of his testimony, which is attached.

David Hamilton, representing Nature Conservancy, testified in opposition to the bill and submitted written testimony, which is attached. Questions followed.

Amy Trotter, Deputy Director for Michigan United Conservation Clubs, testified in opposition to the bill.

Dr. David P. Lusch, a retired Geology Professor from Michigan State University and a member of the Water Use Advisory Council, testified in opposition to the bill. Questions followed.

James F. Milne, Chief of the Great Lakes Unit of the Water Resources Division in the Michigan Department of Environmental Quality, answered a member's questions.

Amy J. Epkey, Chief Financial Officer in the Administration Division of the Michigan Department of Department of Environmental Quality, testified in opposition to the bill, and introduced Teresa Seidel, Division Chief of the Water Resources Division in the Michigan Department of Environmental Quality, who testified in opposition to the bill. Questions followed.

Nathan Murphy, State Director of Environment Michigan, testified in opposition to the bill.

James Clift, Policy Director for the Michigan Environmental Council, testified in opposition to the bill, and submitted written testimony, which is attached.

The following individuals submitted a testimony card in opposition to the bill, but did not wish to speak:

Rod Gordon, representing the Sierra Club;
Nicholas Occhipinti, Government Affairs Director Michigan League of Conservation Voters;
Cyndi Roper, Michigan Senior Policy Advocate for the Natural Resources Defense Council; and
Steve Miller, representing Michigan State University.

The following individuals submitted a testimony in support of the bill as substituted, but did not wish to speak:

Sarah Black, Director of Michigan Farm Bureau's Public Policy and Commodity Division;
Doug Needham, President of the Michigan Aggregates Association;
Matt Smego, Manager of Michigan Farm Bureau's Government Relations;
Lyndon Kelley, representing J and L Farm;
Laura Campbell, Manager of the Agricultural Ecology Department at the Michigan Farm Bureau;

Larry Walton, Director at Large for Michigan Farm Bureau;
Edward L. Kretchman, representing Kretchman Farms;
Michael Wenkel, representing Potato Growers of Michigan;
Robert Sackrider, representing Sackrider Farms;
John Sackrider, representing Sackrider Farms;
Kim W. Kerr;
Michael Frederick, representing Michigan Ground Water Association;
Rebecca Gulliver; and
Maggie Kuntzleman.

There being no other business before the committee; **Representative Bellino moved to adjourn the meeting.**

The motion prevailed, the time being 10:33 a.m.

The Chair declared the Committee adjourned.

Gary Howell, Chair
House Standing Committee on Natural Resources

Joy Brewer, Committee Clerk

Date approved by the committee