



June 27, 2011

Senate Natural Resources, Environment and Great Lakes Committee  
Lansing, Michigan Environmental Council

Re: HB 4746 / SB 470 – Zoning ordinances regarding mineral extraction

Dear Senators,

The Michigan Environmental Council supports good management of our natural resources. Those resources, if properly managed for the long-term, provide a base from which the infrastructure of the state can be built and maintained for future generations.

As we many issues, we think that management decisions should occur at the local level and reflect the will of the community. Therefore, absent overriding concerns, we think reasonable controls established by local unit of government should be supported. Our concern is that HB 4746 as written will undermine current local ordinances across the state by significantly changing the standard that is applied to mining operations.

This change will undermine a variety of potential economic development opportunities because a developer will not longer be able to rely on a master plan and zoning ordinance and at any time could be faced with the prospect of a mining operation being located next door to their development.

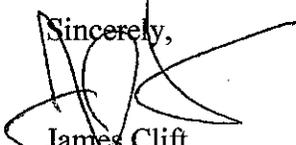
First, we are concerned that HB 4746 and SB 470 place the property rights of some resident above the property rights of others. In this case, the property rights regarding the mining of sand and gravel become a “preferred use” above the property rights of individual residents to “quiet enjoyment” of their property. This undermines private property rights and the investments that Michigan residents have made in their homes.

Secondly, we are concerned that this standard will apply to “any” property located within a local unit of government. Therefore, this bill would place in jeopardy all master plans and zoning ordinances currently in place in Michigan. The local ordinances could allow for mining of sand and gravel from within their borders, put place reasonable restrictions on their operations, and still be challenged because it would not potentially allow zoning on every parcel with the local unit of government. This is bad policy.

Our elected officials in local units of governments have the difficult task of balancing these competing concerns. Ordinances that did not exclude all mining activities and place reasonable restrictions on their operations should be supported by state law and the courts.

We urge members to oppose the legislation currently before the committee.

Sincerely,



James Clift  
Policy Director