

Information Update on Proposed Gravel Mining Expansion in Michigan

1. Michigan Department of Transportation (MDOT) carried out a \$50,000 study in 2016, funded by Michigan taxpayers, to look at the future of the gravel industry. The conclusion was that MI faces a critical shortage of gravel at a time when the State needs to rebuild their infrastructure, including roads. There are several articles in the Detroit Free Press and other newspapers about this study.
2. **The 2016 MDOT study was steered by the Michigan Aggregates Association (MAA), the lobbying group for the Michigan sand and gravel industry.** MAA and their President, Greg Needham, had a role in initiating the study, recommended the consultant that MDOT hired to do the study, set out the scope of work and how to price the study, and even spelled out the expected findings for the study. This was all revealed through FOIA requests and reported by the Detroit Free Press. Despite this, Needham claims the 2016 MDOT study is an "independent third-party review" which supports the need to expand gravel mining in our state.
3. The Metamora Land Preservation Alliance hired a geology expert to review the 2016 MDOT. He found that **the MDOT study was "overly simplistic and fatally-flawed"**. For example, it only looked at existing gravel mines and did not consider new mines that would come online in the future. In essence, the study assumed that no new mines would be permitted and so it is not surprising that it predicted a future shortage of gravel.
4. The new Director of MDOT (appointed by Governor Whitmer) and the Inspector General have launched investigations into the 2016 MDOT study. Congresssman Paul Mitchell (MI-10), who represents the Metamora area, wrote to Governor Whitmer on August 5, 2019, expressing concern that the **lobby group for the gravel mine industry was basically steering state agencies such as MDOT on these issues.** He expressed concern about "the influence state-level lobbyists have exerted over state agencies on matters related to gravel mines. As you are surely aware, proponents of opening additional gravel mines in the state through preemption of local control are using a study produced by the Michigan Department of Transportation (MDOT) to advance their position. While there is a case to be made for gravel mine development at a general level, **any related decisions should be made objectively, openly, and fairly, with feedback and input from all involved parties.**" He also noted that "**gravel industry lobbyists made substantial and substantive efforts to direct the MDOT staff working on that taxpayer funded study toward the preferred conclusion of mining proponents.**"
5. Needham and other supporters of the gravel industry continue to use this unscientific and biased 2016 MDOT study as evidence that Michigan needs to remove Township control in the granting of gravel mine permits. Needham said in June 2018, "**we are faced with increased local resistance at opening and expanding mining operations**", which is contributing to a looming shortage. On Nov. 28, 2018, Needham cited the 2016 MDOT study when testifying before the Natural Resources Committee in favor of Senate Bill 1210, which would have limited local government's ability to prohibit or restrict gravel-mining operations. This bill was the subject of public outcry and was later withdrawn. **Needham seems to view Township zoning laws as a nuisance to the gravel industry saying, "the local communities are prohibiting and giving a lot of problems to gravel operations that are looking to expand and grow..."**.
6. **Governor Whitmer has now appointed a two-year 15-member committee on Michigan's mining future** (Enrolled House Bill No. 4227, Effective October 6, 2019). The 15 committee members will include representatives from the steel workers union, ferrous mining operations, metallic nonferrous mining operations, aggregate mining operations, environmental nonprofit organizations with expertise in mining, research faculty in the area of geology, representatives of a municipality where a mining operation is located, a member of a federally-recognized Indian tribe that has trust lands in Michigan, the Michigan economic development corporation, the department of natural resources, the department of the environment, the state senator and state representative for the districts with the highest production from metallic mineral mines in this state. **As you can see, the Governor's committee is heavily skewed towards the mining industry and those who profit and/or benefit from mining activities.** This committee will be making recommendations to the Governor on matters such as strengthening the mining industry, evaluating government policies that affect the mining industry and recommending public policy strategies to enhance the growth of the mining industry. **What is missing on this committee is representation of citizens that are or will be affected by gravel mines in Michigan communities. Why are citizens not being represented on the Governor's Committee on mining?**

7. Senate Bill No. 431, "Michigan Zoning Enabling Act," was recently introduced by Senator Hollier (D-Detroit). All citizens should be alarmed by this bill because it seeks to remove power from local governments to control land use and zoning, in contradiction to numerous existing Michigan laws. The text of this bill will allow anyone to install a mine or gravel pit on any piece of land, regardless of location or zoning. The bill would override any existing land use master plans and zoning ordinances and leave communities with no recourse if a landowner chooses to mine their land. Senate Bill No. 431 is alarming because it seeks to redefine a "very serious consequence" as one that "substantially exceeds the ordinary impacts of customary mining operations and poses an actual and unnecessary risk to public health, safety or welfare that cannot be avoided or ameliorated through the imposition of reasonable controls or conditions of the mining operations". They are in fact saying that they don't consider the normal impacts of gravel mining to amount to "very serious consequences". This is at odds with the April 1, 2019 ruling in favor of the Friends of Grass Lake Township by the Honorable Judge John T. McBain. The Judge found that the proposed Norvell Road mine did in fact pose 'very serious consequences' to include noise, dust particulates, decreased property values, disruption to water flow and dangerous traffic congestion. Contrary to Senate Bill No. 431, the Judge recognized that even ordinary impacts of customary mining operations, if placed closed to schools, homes and business, can pose "very serious consequences". Judge McBain further recommended that the mining permit applicant consider a mining operation on vacant land in a far more rural location. He notes that the proposed location on Norvell Road was the wrong location and that the close proximity to schools, subdivisions, private homes, the Village of Grass Lake and businesses creates "very serious consequences".

The gravel mining industry is taking steps to change the State laws to eliminate Township control over land use. The gravel mining industry is frustrated with resistance from Townships and citizens. We know that gravel mining needs to take place but the answer is not to remove the ability of Townships to enforce their zoning laws and master plan. Maybe Townships could work with the gravel industry to create "Gravel Districts" that respect the community's zoning ordinances and master plan. These decisions should not be made at the State level without input from all stakeholders. **Do you want the State and/or the gravel industry to decide how land is used in your community?**

In a couple of months, Governor Whitmer's Committee on Michigan's Mining Future will begin their work. We are trying to make citizens aware of these issues. There are implications for the health and safety of our citizens and our environment. Many communities have already been affected by gravel mining and many are fighting against proposed gravel mine permits. **Let's take a stand and make sure that our voices are heard by our legislators.** We are all stakeholders and we must play a crucial role in monitoring and responding to expanded gravel mining in Michigan.

Your voice matters! Please write your representatives and tell them what you think.

Mike Shirkey has a lot of influence over the Bill and please write Governor Whitmer as well.

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Please write Senator Hollier who introduced Senate Bill 431.

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