

# Environmental Law *Theme Introduction*

By Kurt M. Brauer and John L. Tatum



The SBM Environmental Law Section is pleased to sponsor this issue of the *Michigan Bar Journal* addressing some developing areas of environmental law. Changes in administration at the federal and state levels continue to result in dynamic environmental programs.

Our four feature articles focus on topics that affect a large number of practitioners and which we hope are of interest to the bar generally. Dennis Donohue, chair of the Natural Resources Committee, discusses the permitting requirements for non-ferrous metal mining, including federal and state issues and the role of Native American tribes. As the amount of mining proposed for both of Michigan's peninsulas increases, permitting roles and their associated issues will be important. Sharon Newlon provides a history, status, and prognosis for wetlands preservation and regulation in Michigan. As this issue goes to press, the United States Environmental Protection Agency is beginning the public comment period for its March 25, 2014, proposed rule defining the "Waters of the United States." S. Lee Johnson, chair-elect of the Environmental Law Section Council, participated in an effort led by Michigan's Office of Regulatory Reinvention to evaluate and improve the state's overall regulatory climate, and describes in his article some potential changes in the air toxics regulatory program. He also discusses how the air toxics stakeholder group assisted the Michigan Department of Environmental Quality in proposing changes to the program that are protective of human health and the environment. Finally, Ross Hammersley, vice chair of the Great Lakes and Inland Waters Committee, and Kate Redman have developed a guide to local government regulation of large-scale hydraulic fracturing activities. As gas and oil extraction continues

and methods of extraction evolve, it will be increasingly important to understand the ability to regulate these activities at the local level.

Each of these areas—mining, wetlands, air toxics, and oil and gas fracking—will have an important bearing on local development and will continue to play a part in Michigan's economic recovery and stabilization. Those who wish to learn more about these and other environmental and energy subjects are encouraged to join the Environmental Law Section. For more information, visit <http://www.michbar.org/environmental> or contact one of the section council members. ■



*Kurt M. Brauer is a partner in the Southfield and Midland offices of Warner, Norcross & Judd LLP. He focuses his practice on environmental support in business and real estate transactions, water and wetlands law, compliance and regulatory matters, and economic development. He is the chair of the State Bar of Michigan's Environmental Law Section Council.*



*John L. Tatum is a former chair of the Environmental Law Section. His solo practice is focused on environmental mediation, particularly allocation at Superfund and similar sites. He is on the U.S. Institute for Environmental Conflict Resolution's professional roster and the mediator roster for courts in Michigan.*