

MEMO TO TOWNSHIP BOARD

FROM: GERALD A. FISHER, SPECIAL LEGAL COUNSEL FOR SPRINGFIELD
TOWNSHIP

DATED: AUGUST 13, 2026

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Regarding: Springfield Township Environmental Protectors (“S.T.E.P.”) Statement of Opposition
to Special Land Use Application and 2026 Proposed Amendments to Mining
Ordinance, August 13, 2026

I. INTRODUCTION

AS WE HAVE PREVIOUSLY COMMUNICATED AT PUBLIC MEETINGS, CONSIDERING THAT THE BMC UNDERSTANDS THAT IT HAS NOT YET FILED A COMPLETE APPLICATION, AND IS IN THE PROCESS OF COMPLETING AN APPLICATION FOR FILING, THE TOWNSHIP WOULD HAVE VERY LITTLE IN THE WAY OF SOLID FOOTING TO DENY THE APPLICATION AT THIS JUNCTURE. MOREOVER, SUCH A DENIAL WOULD SEND A MESSAGE TO THE COURT THAT THE TOWNSHIP HAS NO INTENTION OF PROVIDING THE APPLICANT WITH A FULL AND FAIR CONSIDERATION, AND MAY WELL GIVE RISE TO OTHER REMEDIES THAT WOULD HAVE ADVERSE CONSEQUENCES TO THE TOWNSHIP.

II. POINT-BY-POINT RESPONSE

- Failure to comply with required submission procedures, as per Springfield Township Code of Ordinances, Chapter 12 “Environment”, Article IV “Mining Control.”

THIS IS NOT A SUBSTANTIVE BASIS FOR DENIAL. THE PROVISIONS OF THE MINING CONTROL CODE BECOME PARTICULARLY RELEVANT ONCE A SPECIAL LAND USE APPROVAL IS GRANTED UNDER THE ZONING ORDINANCE.

- Failure to adequately resolve concerns about the proposed business operations, as per Springfield Township Code of Ordinances, Chapter 40 “Zoning”, Article VI “Environmental Performance Standards”

HOW CAN THE TOWNSHIP MAKE A JUDGMENT ON THIS BEFORE A COMPLETE APPLICATION IS FILED AND THE TOWNSHIP HAS RECEIVED INPUT FROM ITS EXPERTS?

- Failure to show proof of building code and/or zoning variances, to allow Industrial, Manufacturing, and Hazardous Storage use groups, occupancies, structures, and operations to occur in a Residential Zone

THIS ISSUE IS PREEMPTED BY MCL 125.3205

- Failure to adequately resolve concerns from the community and professional consultants about the proposed business operations that could result in a variety of Very Serious Consequences (VSC's)

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- Failure to show proof of approval from EGLE for the proposed business operations and the proposed VSC risk mitigation strategies, particularly related to mitigating known negative environmental impacts

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- Failure to show proof of approval from entities with legal easements and/or right-of-way and/or site access and site use privileges; for example, failure to show proof of approval for the proposed placement, use, modification, and maintenance of any public roads and/or infrastructural utilities

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- Failure to show proof of approval from Rose Township for the portion of the Project Site that is located outside of the taxable and operational jurisdiction of Springfield Township

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