
**Agriculture & Natural Resources
Committee**

HB 1708

Brief Description: Concerning wells on lands adjacent to the Maury Island aquatic reserve.

Sponsors: Representatives Nelson, Simpson, Chase, White, Cody, Upthegrove, Williams, McCoy, Appleton, Dickerson, Darneille and Goodman.

Brief Summary of Bill

- Requires that any permit exempt well located on an industrial or mining site adjacent to the Maury Island Aquatic Reserve meter withdrawals of groundwater daily.
- Authorizes the Department of Ecology to suspend all privileges associated with the withdrawal of groundwater from a permit exempt well located on an industrial or mining site adjacent to the Maury Island Aquatic Reserve if specified water requirements are not met.
- Requires the Department of Natural Resources to issue an order to stop all surface mining if specified water requirements are not met.
- Requires any mine located on land adjacent to the Maury Island Aquatic Reserve that is in excess of 25 acres to provide a corporate surety bond in an amount sufficient to replace any water system within hydrologic continuity of the mine whose water supply may be impacted by mining activity.

Hearing Date: 2/20/09

Staff: Jaclyn Ford (786-7339)

Background:

Aquatic Reserve Program.

The Department of Natural Resources (DNR) administratively created the Aquatic Reserve Program to promote preservation, restoration, and enhancement of state-owned aquatic lands that

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provide direct and indirect benefits to the health of native aquatic habitat and species, as well as other resources in Washington.

The Maury Island Aquatic Reserve.

Maury Island is an island located within the Puget Sound in southwestern King County. The Maury Island Aquatic Reserve was created in 2004 by the Commissioner of Public Lands. It includes the bedlands and tidelands surrounding Maury Island and Quartermaster Harbor.

Mine Operations.

Mine operations, which consist of all mine-related activities except reclamation, are specifically regulated by local governments or state and federal agencies exclusive of the DNR. However, the DNR is responsible for ensuring that mine reclamation follows completion of surface and underground mining. The DNR has exclusive authority to regulate mine reclamation and approve reclamation plans.

Permit Exempt Wells.

A permit is not required for any withdrawal of public ground waters for stock-watering purposes, for the watering of a lawn or of a non-commercial garden not exceeding one-half acre in area, for single or group domestic uses not exceeding 5,000 gallons per day, or for an industrial purpose not exceeding 5,000 gallons per day.

Summary of Bill:

Water Withdrawals.

Any permit exempt well located on an industrial or mining site adjacent to the Maury Island aquatic reserve must daily meter withdrawals of groundwater. A withdrawal report must be submitted to the DOE every month indicating the daily withdrawal amounts of groundwater from the permit exempt wells.

The Department of Ecology (DOE), in consultation with the DNR, is required to suspend all privileges associated with the withdrawal of groundwater from a permit exempt well located on an industrial or mining site adjacent to the Maury Island Aquatic Reserve, if:

- water withdrawals are in excess of 5,000 gallons per day for any five days over a six-month period;
- there are reductions in spring flow, aquifer level, or a combination of the two, of more than 5 percent in the affected aquifers or springs; or
- there is a 5 percent or more decrease in the water level in any of the monitoring wells on or surrounding the industrial or mining site.

If there are reductions in the spring flow, aquifer level, or a combination of the two, of more than 5 percent in the affected aquifers or springs, the DOE must make a determination of cause and suspend all privileges to withdraw groundwater from a permit exempt well until flows return to January 1, 2009, levels.

Stop Mining Order.

The DNR must issue an order to stop all surface mining to any permit holder, miner, or other person who authorizes, directs, or conducts surface mining activities if:

- any permit exempt well located on an industrial or mining site adjacent to the Maury Island Aquatic Reserve has water withdrawals in excess of 5,000 gallons per day for any five days over a six-month period;
- there are reductions in the spring flow, aquifer level, or a combination of the two, of more than 5 percent in the affected aquifers or springs; or
- there is a 5 percent or more decrease in the water level in any of the monitoring wells on or surrounding the industrial or mining site.

Corporate Surety Bond.

Any mine located on land adjacent to the Maury Island Aquatic Reserve that is in excess of 25 acres must provide a corporate surety bond in an amount sufficient to replace any water system within hydrologic continuity of the mine whose water supply may be impacted by mining activity.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.