

HOUSE BILL REPORT

EHB 2609

As Passed House:

March 7, 1996

Title: An act relating to regulation of surface mining reclamation and operations.

Brief Description: Specifying the agencies of government that have authority to regulate surface mining reclamation and operations.

Sponsors: Representatives Elliot, Basich, Benton, Sheldon, Schoesler and Thompson.

Brief History:

Floor Activity:

Passed House: 3/7/96, 98-0.

Staff: Bill Lynch (786-7092) and Linda Byers (786-7129)

Background:

Designation of Mineral Resource Lands

The Growth Management Act requires counties, cities, and towns that plan under that act, where appropriate, to designate mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals. The county, city, or town must consider the guidelines established by the Department of Community, Trade and Economic Development for classifying mineral resource lands.

After designating the mineral resource lands, the county, city, or town must adopt development regulations that conserve the designated mineral resource lands.

"Minerals" are defined to include gravel, sand, and valuable metallic substances.

It has been suggested that the siting of incompatible uses near mineral resource lands will preclude the extraction of these minerals to the detriment of the general public.

State Consulting Service on Mining

The Department of Natural Resources may provide no-cost consulting to assist miners, surface mining permit holders, local governments, and the public in technical matters related to mine regulation, mine operations, and reclamation.

Summary of Bill:

Designation of Mineral Resource Lands

When a county has classified mineral lands and mineral resource lands of long-term significance, the county must designate sufficient mineral resource lands in the comprehensive plans to meet the projected 20-year county-wide need. Metals mining and milling operations are excluded from the provisions of the bill.

Once mineral resource lands are designated, local development regulations must include mine-related operations as an allowed use. Operations are defined as all mine-related activities, exclusive of reclamation, and specifically include the mining of rock, stone, gravel, sand, earth, and other minerals; blasting, equipment maintenance, sorting, crushing, and loading; on-site mineral processing including asphalt or concrete batching, concrete recycling, and other aggregate recycling; and transporting minerals to and from the mine, on-site road maintenance, road maintenance for roads used extensively for surface mining activities, traffic safety, and traffic control.

Once mine-related operations are designated as an allowed use, a proposed allowed use must be reviewed for project specific impacts and may be conditioned to mitigate significant adverse impacts. The question of the use of the land for mine-related operations may not be revisited after the mine-related operations have been designated as an allowed use.

The county, city, or town must designate mineral resource deposits, both active and inactive, in economically viable proximity to locations where the deposits are likely to be used. Counties, cities, and towns are required to discourage the siting of new applications of incompatible uses adjacent to mineral resource industries, deposits, and holdings.

Amendments or additions to the comprehensive plan or development regulations pertaining to mineral resource lands may be adopted in the same manner as other changes to the comprehensive plan or development regulations.

State Consulting Service on Mining

The Department of Natural Resources must establish a no-cost consulting service to assist miners, surface mining permit holders, local governments, and the public in technical matters related to mine regulation, mine operations, and reclamation. The bill contains an appropriation of \$50,000 from the Surface Mining Reclamation Account to the department for this purpose.

Appropriation: The sum of \$50,000 from the Surface Mining Reclamation Account to the Department of Natural Resources.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.