
ENGROSSED HOUSE BILL 2609

State of Washington

54th Legislature

1996 Regular Session

By Representatives Elliot, Basich, Benton, Sheldon, Schoesler and Thompson

Read first time 01/15/96. Referred to Committee on Natural Resources.

1 AN ACT Relating to regulation of surface mining reclamation and
2 operations; amending RCW 78.44.310; adding a new section to chapter
3 36.70A RCW; creating a new section; and making an appropriation.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature recognizes that the
6 availability of minerals through surface mining is essential to the
7 economic well-being of the state and nation. The citizens of the state
8 are rapidly running out of approved or designated sites to extract
9 these minerals. Therefore, the available sources of these minerals are
10 nearly exhausted.

11 The state has enacted several laws in recent years directing local
12 governments to make land use decisions for appropriate uses of land
13 through designation in advance of or during the comprehensive planning
14 process and then to limit the specific approval process to mitigating
15 specific impacts of the use or uses allowed by the designation. The
16 current planning and regulatory environment makes economically viable
17 permits unobtainable for the vast majority of the sites where the
18 minerals are located and needed.

1 The cost of transportation of minerals for any significant distance
2 can have a compounding effect on the costs to the taxpayers of the
3 state. Surface mining must take place in diverse areas where the
4 geologic, topographic, climatic, biologic, and social conditions are
5 significantly different, and reclamation specifications must vary
6 accordingly. But surface mining is a finite use of the land and
7 another beneficial use must follow through reclamation.

8 Therefore, the legislature finds that designation, production, and
9 conservation of adequate sources of minerals under section 2 of this
10 act is in the best interests of the citizens of the state.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW
12 to read as follows:

13 (1)(a) Where the county has classified mineral lands pursuant to
14 RCW 36.70A.050 and mineral resource lands of long-term commercial
15 significance exist, a county shall designate sufficient mineral
16 resource lands in the comprehensive plans to meet the projected twenty-
17 year, county-wide need. Once designated, mineral resource uses,
18 including operations as defined in RCW 78.44.031, shall be established
19 as an allowed use in local development regulations.

20 (b) The county shall designate mineral resource deposits, both
21 active and inactive, in economically viable proximity to locations
22 where the deposits are likely to be used.

23 (c) This section has no applicability to metals mining and milling
24 operations as defined in RCW 78.56.020.

25 (d) Proximity provisions of (b) of this subsection and subsection
26 (5)(a) of this section do not apply to metallic placer, dolomite,
27 limestone, magnesite, or quartzite deposits, and any activity related
28 to the development or operation of such deposits.

29 (2) Nothing in this section precludes any unit of government from
30 accepting the lowest responsible bid for purchase of mineral materials,
31 regardless of source.

32 (3) Through its comprehensive plan and development regulations, as
33 defined in RCW 36.70A.030, a county, city, or town shall discourage the
34 siting of new applications of incompatible uses adjacent to mineral
35 resource industries, deposits, and holdings.

36 (4) Any additions or amendments to comprehensive plans or
37 development regulations required by this section shall be adopted at
38 the next regularly scheduled amendment of the comprehensive plan or

1 development regulations which occurs at least six months after the
2 effective date of this section.

3 (5) For the purposes of this section:

4 (a) "Long-term commercial significance" includes the mineral
5 composition of the land for long-term economically viable commercial
6 production, in consideration with the mineral resource land's proximity
7 to population areas, product markets, and the possibility of more
8 intense uses of the land.

9 (b) "Allowed use" means the use or uses specified by local
10 development regulations as appropriate within those areas designated
11 through the advance or comprehensive planning process. Once
12 designated, a proposed allowed use shall be reviewed for project
13 specific impacts and may be conditioned to mitigate significant adverse
14 impacts within the context of site plan approval, but such review shall
15 not revisit the question of land use.

16 (6) Nothing in this section shall modify the procedures and
17 requirements of chapter 43.21C RCW and allowed uses shall be reviewed
18 in accordance with chapter 43.21C RCW.

19 **Sec. 3.** RCW 78.44.310 and 1993 c 518 s 38 are each amended to read
20 as follows:

21 The department (~~may~~) shall establish a no-cost consulting service
22 within the department to assist miners, permit holders, local
23 government, and the public in technical matters related to mine
24 regulation, mine operations, and reclamation. The department (~~may~~)
25 shall prepare concise, printed information for the public explaining
26 surface mining activities, timelines for permits and reviews, laws, and
27 the role of governmental agencies involved in surface mining, including
28 how to contact all regulators. The department shall not be held liable
29 for any negligent advice.

30 NEW SECTION. **Sec. 4.** The sum of fifty thousand dollars, or as
31 much thereof as may be necessary, is appropriated for the biennium
32 ending June 30, 1997, from the surface mining reclamation account to
33 the department of natural resources for the purposes of section 3 of
34 this act.

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