

HOUSE BILL REPORT

SB 5439

As Passed House

April 10, 1997

Title: An act relating to small public works surface mines.

Brief Description: Providing an exclusion for what constitutes surface mining.

Sponsors: Senators Morton, Hargrove, Stevens and Benton.

Brief History:

Committee Activity:

Natural Resources: 4/2/97, 4/4/97 [DP].

Floor Activity:

Passed House: 4/10/97, 62-36.

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass. Signed by 8 members: Representatives Buck, Chairman; Sump, Vice Chairman; Thompson, Vice Chairman; Alexander; Chandler; Hatfield; Pennington and Sheldon.

Minority Report: Do not pass. Signed by 3 members: Representatives Regala, Ranking Minority Member; Butler, Assistant Ranking Minority Member; and Anderson.

Staff: Linda Byers (786-7129).

Background: A surface mine is defined in statute as an area where extraction of minerals from the surface results in more than three acres of disturbed area, or mined slopes greater than 30 feet high and steeper than one foot horizontal to one foot vertical, or more than one acre of disturbed area within an eight acre area, when the disturbed area results from mineral prospecting or exploration. Excavations or grading for the following purposes is expressly excluded from the definition of surface mining:

primarily for on-site construction, on-site road maintenance, or on-site landfill construction;

for the purpose of public safety or restoring the land following a natural disaster;

for the purpose of removing stockpiles;

for forest or farm road construction or maintenance on site or on contiguous lands;

for the sale of sand by state parks to cranberry growers; and

for underground mines.

For an activity that does meet the definition of surface mining, an applicant must apply to the Department of Natural Resources for a surface mining reclamation permit and must pay an application fee. A permit holder also pays an annual permit fee. Prior to obtaining a reclamation permit, the applicant must post performance security and must provide an acceptable reclamation plan. Reclamation activities must be completed not more than two years after completion or abandonment of surface mining on each segment of the area for which a reclamation permit is in force.

Counties and other government agencies are not required to post performance security. Counties also receive a special discount on annual permit fees. Annual fees paid by a county for mines used exclusively for public works projects and having less than seven acres of disturbed area per mine may not exceed \$1,000. Annual fees are waived entirely for all mines used primarily for public works projects if the mines are owned and primarily operated by counties with 1993 populations of less than 20,000 persons. Twelve counties had 1993 populations of less than 20,000 persons (Adams, Asotin, Columbia, Ferry, Garfield, Klickitat, Lincoln, Pacific, Pend Oreille, San Juan, Skamania, and Wahkiakum).

Summary of Bill: The definition of surface mine— is amended to exclude mines used primarily for public works projects if the mines are owned or primarily operated by counties with 1993 populations of less than 20,000 persons and each mine has less than seven acres of disturbed area. Counties would not be required to pay the application fee, to develop or update reclamation plans for these mines, or to reclaim these sites.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: None.

Testimony Against: None.

Testified: None.