
HOUSE BILL 1510

State of Washington

57th Legislature

2001 Regular Session

By Representatives Poulsen, McDermott, Keiser, Schual-Berke, Dunshee, Edwards and Ruderman

Read first time 01/29/2001. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to restricting surface mining in flood plains;
2 adding new sections to chapter 43.21C RCW; adding a new section to
3 chapter 78.44 RCW; and adding a new section to chapter 90.58 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.21C RCW
6 to read as follows:

7 The legislature finds that the flood plains of the state's rivers
8 are a part of the river system and have a significant function, in
9 respect to channel movement and fish habitat, which is especially
10 important in light of the listings and potential listings of fish as
11 threatened or endangered under the federal endangered species act. The
12 legislature further finds that the potential impacts of surface mining
13 on the significant functions of flood plains are site-specific,
14 consistently requiring thorough environmental review of individual
15 projects. The legislature also finds that the state environmental
16 policy act, rules adopted to implement it, and other applicable
17 environmental and land use laws prevent unnecessary duplication of
18 environmental review, appropriately assign responsibilities among local

1 governments and state agencies with regulatory jurisdiction, and help
2 to protect property and its value.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21C RCW
4 to read as follows:

5 Except for metals mining and milling operations subject to RCW
6 43.21C.039, and notwithstanding any provision in RCW 43.21C.030 and
7 43.21C.031 to the contrary, an environmental impact statement shall be
8 prepared for any new or expanded public or private surface mine when
9 all or part of the proposed mine falls within a flood plain as defined
10 in WAC 173-22-030.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 78.44 RCW
12 to read as follows:

13 Except for metals mining and milling operations subject to RCW
14 78.56.050, an environmental impact statement must be prepared for any
15 new or expanded public or private surface mine when all or part of the
16 proposed mine falls within a flood plain as defined in WAC 173-22-030.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.58 RCW
18 to read as follows:

19 Surface mining is prohibited in areas designated as conservancy in
20 local shoreline management plans.

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