

HOUSE BILL REPORT

SB 5145

As Passed House:

April 11, 2021

Title: An act relating to the prevention of seabed mining of hard minerals.

Brief Description: Concerning the prevention of seabed mining of hard minerals.

Sponsors: Senators Van De Wege and Rolfes.

Brief History:

Committee Activity:

Rural Development, Agriculture & Natural Resources: 3/17/21, 3/24/21 [DP].

Floor Activity:

Passed House: 4/11/21, 96-2.

Brief Summary of Bill

- Prohibits the seabed mining of hard minerals in designated waters of Washington.
- Prohibits the Department of Natural Resources from issuing permits or leases on aquatic lands for purposes of exploration, development, or seabed mining of hard minerals.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 14 members: Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Klicker, Kloba, Kretz, Lekanoff, McEntire, Morgan, Orcutt, Ramos, Schmick and Springer.

Staff: Robert Hatfield (786-7117).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

The Department of Natural Resources (DNR) manages nearly 3 million acres of uplands and over 2 million acres of aquatic lands. The DNR must manage those lands using a multiple use concept where it is in the best interests of the state and the general welfare of the citizens and is consistent with the management objectives of the land.

The DNR is authorized to issue permits and leases for prospecting, and contracts for the mining of valuable minerals and specified materials, except rock, gravel, sand, silt, coal, or hydrocarbons, upon and from any public lands belonging to or held in trust by the state, both uplands and aquatic lands, and upon lands which have been sold but upon which the state has reserved the mineral rights.

The Shoreline Management Act (SMA) requires all counties and most cities and towns with shorelines to develop and implement shoreline management plans. The SMA applies to the shorelines of all marine waters. Under the SMA, drilling for oil or gas is prohibited in the waters of Puget Sound north to the Canadian boundary and the Strait of Juan de Fuca seaward from the ordinary high water mark and on all lands within 1000 feet landward from the ordinary high water mark.

Summary of Bill:

Seabed mining for hard minerals is prohibited in the waters of Puget Sound north to the Canadian boundary and the Strait of Juan de Fuca seaward from the ordinary high water mark and on all lands within 1000 feet landward from the ordinary high water mark.

The DNR may not issue permits and leases on aquatic lands, both state-owned and privately-owned, along the Washington coast from Cape Flattery south to Washington's southern boundary, nor in Grays Harbor, Willapa Bay, and the Columbia River downstream from the Longview bridge, for purposes of exploration, development, or seabed mining of hard minerals.

Hard minerals are defined as natural deposits of valuable minerals other than rock, gravel, sand, silt, coal, or hydrocarbons. Hard minerals include, but are not limited to, metals and placer deposits of metals, nonmetallic minerals, gemstones, ores, gold, silver, copper, lead, iron, manganese, silica, chrome, platinum, tungsten, zirconium, titanium, garnet, and phosphorus.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill supports steps toward a stronger, green economy. The commercial exploitation of seabed minerals could put fisheries at risk. Mining would have negative impacts on kelp forests and other seabed ecosystems. There is little or no knowledge as to how to restore the damage done by seabed mining. Oregon banned seabed mining in coastal waters in 1991.

This bill will protect nearshore marine resources, coastal communities, and ocean-dependent industries. Oceans are facing multiple challenges, including acidification and increased temperatures. It is important to address emerging threats. There is a growing interest in seabed mining. There are potentially valuable minerals in Washington waters. The DNR issued mineral leases around the mouth of the Columbia River in the 1960s and 1980s. There is currently no interest or applications related to seabed mining; this is a proactive measure to get ahead of this issue.

Seabed mining causes irreversible damage to marine ecosystems. The machinery used to extract minerals harms kelp forests and reefs. Mining activities generates noise, light pollution, and sediment plumes. These sediment clouds threaten multiple species. Salmon and orcas are already struggling to recover. The bill would protect ocean and marine life from an emerging threat.

(Opposed) None.

Persons Testifying: Sue Joerger, Twin Harbors Waterkeeper; Sarah Griffin, Seattle Aquarium; and Tom Rudolph, The Pew Charitable Trusts.

Persons Signed In To Testify But Not Testifying: None.