

SENATE BILL REPORT

ESHB 2529

As Reported By Senate Committee On:
Government Operations, February 23, 1996

Title: An act relating to mineral resource land designation.

Brief Description: Providing for designation of mineral resource lands.

Sponsors: House Committee on Government Operations (originally sponsored by Representatives Elliot, Grant, Mastin, Sheldon, Reams, D. Schmidt, Scott, Hymes and Thompson).

Brief History:

Committee Activity: Government Operations: 2/21/96, 2/23/96 [DPA].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass as amended.

Signed by Senators Haugen, Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Staff: Rod McAulay (786-7754)

Background: 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.

Summary of Amended Bill: When a county has classified mineral lands and mineral resource lands of long-term commercial significance, the county must designate sufficient mineral resource lands in the comprehensive plans to meet the projected 20-year countywide 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. The requirements for proximity do not apply to mineral deposits used in the manufacture of aluminum.

In a county with a population over 1.3 million, no designation may be made on an island surrounded by salt water unless for a deposit of less than 500,000 yards, or for an operation which has already been granted a permit.

Amendments or additions to the comprehensive plan or development regulations pertaining to mineral resource lands must be adopted in the same manner as other changes to the comprehensive plan or development regulations at the next regular review of the plan which is more than six months following the effective date of this act.

It is clarified that the requirements of the State Environmental Protection Act are not modified in any way.

Amended Bill Compared to Substitute Bill: The amended bill excluded mineral deposits used in the manufacture of aluminum from the proximity requirements; added the limitation on designations of mineral resource areas on salt water islands in counties with a population over 1.3 million; made the designation of mineral areas through amendment of the comprehensive plan and development regulations mandatory; and clarified that the act did not modify the procedures and requirements of SEPA.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This will permit project specific mitigation without a full reconsideration of allowed land use. It will also help continued economic activity.

Testimony Against: The premises for the bill are false. It will permit unlimited designation of mineral resource areas.

Testified: Representative Elliot, prime sponsor; Mark Triplett, WACA (pro); Alan Darr; Robert Taylor, NW Alloys ALCOA (pro); Bruce Barneum, Paul McGill, Stillaguamish Citizens Alliance (con); Scott Merriman, WA Environmental Council (concerns).