

2 **ESHB 2529** - S COMM AMD

3 By Committee on Government Operations

4

5 Strike everything after the enacting clause and insert the
6 following:

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

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

21 The cost of transportation of minerals for any significant distance
22 can have a compounding effect on the costs to the taxpayers of the
23 state. Surface mining must take place in diverse areas where the
24 geologic, topographic, climatic, biologic, and social conditions are
25 significantly different, and reclamation specifications must vary
26 accordingly. But surface mining is a finite use of the land and
27 another beneficial use must follow through reclamation.

28 Therefore, the legislature finds that designation, production, and
29 conservation of adequate sources of minerals is in the best interests
30 of the citizens of the state.

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

33 (1)(a) Where the county has classified mineral lands pursuant to
34 RCW 36.70A.050 and mineral resource lands of long-term commercial
35 significance exist, a county shall designate sufficient mineral

1 resource lands in the comprehensive plans to meet the projected twenty-
2 year, county-wide need. Once designated, mineral resource uses,
3 including operations as defined in RCW 78.44.031, shall be established
4 as an allowed use in local development regulations.

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

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

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

14 (e) In any county with a population over one million three hundred
15 thousand no designation of mineral lands shall be made under this
16 section on any island surrounded by salt water unless the designation
17 is for mineral lands (i) with a volume of less than five hundred
18 thousand yards; or (ii) for which a permit has already been issued.

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

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

26 (4) Any additions or amendments to comprehensive plans or
27 development regulations required by this section shall be adopted at
28 the next regularly scheduled amendment of the comprehensive plan or
29 development regulations which occurs at least six months after the
30 effective date of this act.

31 (5) For the purposes of this section:

32 (a) "Long-term commercial significance" includes the mineral
33 composition of the land for long-term economically viable commercial
34 production, in consideration with the mineral resource land's proximity
35 to population areas, product markets, and the possibility of more
36 intense uses of the land.

37 (b) "Allowed use" means the use or uses specified by local
38 development regulations as appropriate within those areas designated
39 through the advance or comprehensive planning process. Once

1 designated, a proposed allowed use shall be reviewed for project
2 specific impacts and may be conditioned to mitigate significant adverse
3 impacts within the context of site plan approval, but such review shall
4 not revisit the question of land use.

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

8 **ESHB 2529** - S COMM AMD
9 By Committee on Government Operations

10

11 On page 1, line 1 of the title, after "designation;" strike the
12 remainder of the title and insert "adding a new section to chapter
13 36.70A RCW; and creating a new section."

--- END ---