
SUBSTITUTE SENATE BILL 6148

State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on Environmental Quality & Water Resources
(originally sponsored by Senators Jacobsen, Heavey, Patterson, Fairley,
Fraser, McAuliffe, Franklin and Kline; by request of Commissioner of
Public Lands and Department of Fish and Wildlife)

Read first time 01/31/2000.

1 AN ACT Relating to environmental review of surface mining in flood
2 plains; adding a new section to chapter 43.21C RCW; adding a new
3 section to chapter 78.44 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the flood plains
6 of the state's rivers are a part of the river system and have a
7 significant function, in respect to channel movement and fish habitat,
8 which is especially important in light of the listings and potential
9 listings of fish as threatened or endangered under the federal
10 endangered species act. The legislature further finds that the
11 potential impacts of surface mining on the significant functions of
12 flood plains are site-specific, consistently requiring thorough
13 environmental review of individual projects. The legislature also
14 finds that the state environmental policy act, rules adopted to
15 implement it, and other applicable environmental and land use laws
16 prevent unnecessary duplication of environmental review, appropriately
17 assign responsibilities among local governments and state agencies with
18 regulatory jurisdiction, and help to protect property and its value.

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

3 Except for metals mining and milling operations subject to RCW
4 43.21C.039, and notwithstanding any provision in RCW 43.21C.030 and
5 43.21C.031 to the contrary, an environmental impact statement shall be
6 prepared for any new or expanded public or private surface mine when
7 all or part of the proposed mine falls within a flood plain as defined
8 in WAC 173-22-030.

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

11 Except for metals mining and milling operations subject to RCW
12 78.56.050, an environmental impact statement must be prepared for any
13 new or expanded public or private surface mine when all or part of the
14 proposed mine falls within a flood plain as defined in WAC 173-22-030.

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