

SENATE BILL REPORT

SB 5145

As Passed Senate, March 4, 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: Agriculture, Water, Natural Resources & Parks: 1/26/21, 2/11/21 [DP, DNP].

Floor Activity: Passed Senate: 3/4/21, 49-0.

Brief Summary of Bill

- Prevents the Department of Natural Resources from issuing permits and leases on aquatic lands along the Washington coast for seabed mining of hard minerals.
- Prohibits seabed mining for hard minerals in waters of Puget Sound and the Strait of Juan de Fuca under the Shoreline Management Act.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: Do pass.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Rolfes, Short and Stanford.

Minority Report: Do not pass.

Signed by Senator Honeyford.

Staff: Jeff Olsen (786-7428)

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. 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. In managing state-owned aquatic lands, DNR must provide a balance of public benefits to the state. Management of state-owned aquatic lands must, at a minimum, encourage direct public use and access, foster water-dependent uses, ensure environmental protection, and utilize renewable resources.

DNR manages prospecting and mining on state lands. Generally, mineral extraction on state lands requires the issuance of a permit or a lease from the DNR.

The Shorelines 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, shorelines of statewide significance must be managed in the interests of all Washingtonians. Shorelines of statewide significance include the Pacific coast, Puget Sound, and the Strait of Juan de Fuca. For shorelines of statewide significance, preferred uses are designed to recognize and protect statewide use over local interests, preserve the natural character of the shoreline, have long-term benefits, protect shoreline resources and environments, increase public access, and expand public recreational shoreline opportunities.

Under the SMA, surface drilling for oil and gas is prohibited in the waters of Puget Sound to the Canadian border, the Strait of Juan de Fuca, and on all lands within 1000 feet landward from the ordinary high-water mark.

Summary of Bill: DNR may not issue permits and leases on aquatic lands 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 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.

Under the SMA, seabed mining for hard minerals is prohibited in the waters of Puget Sound to the Canadian border, the Strait of Juan de Fuca, and on all lands within 1000 feet landward from the ordinary high-water mark.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: Seabed mining represents a threat to the nearshore environment, impacting habitat and creating plumes that may drift. Washington needs to protect the health of our waters for tourism and fishing. We should join Oregon by banning this activity and stop the mining before it starts. Climate change is already impacting the coast, and we need to avoid further damaging our coastal waters. The damage caused by seabed mining is irreversible. The ecological impacts of seabed mining are profound, and we need to be proactive and safeguard our waters.

Persons Testifying: PRO: Senator Kevin Van De Wege, Prime Sponsor; Liz Schotman, Surfrider Foundation; Lee First, Twin Harbors Waterkeeper; Nora Nickum, Seattle Aquarium; Tom Rudolph, The Pew Charitable Trusts.

Persons Signed In To Testify But Not Testifying: No one.