SENATE BILL REPORT
SB 5319

As Amended by House, April 16, 2025

Title: An act relating to establishing surface mine reclamation permit fees.

Brief Description: Establishing surface mine reclamation permit fees.

Sponsors: Senators Shewmake, Chapman and Nobles; by request of Department of Natural Resources.

Brief History:
Committee Activity: Agriculture & Natural Resources: 1/27/25, 2/20/25 [DP, DNP].
Floor Activity: Passed Senate: 3/12/25, 28-20.
Passed House: 4/16/25, 60-37.

Brief Summary of Bill

- Increases certain surface mine reclamation permit fees.
- Directs the Department of Natural Resources to advise applicants revising a surface mine reclamation permit or plan, of any information necessary to successfully complete the application within 60 days.

SENATE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass.
Signed by Senators Chapman, Chair; Krishnadasan, Vice Chair; Liias, Saldaña and Shewmake.

Minority Report: Do not pass.
Signed by Senators Short, Ranking Member; Muzzall, Schoesler and Wagoner.

Staff: Elena Becker (786-7493)

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: Surface Mine Reclamation Program. The Department of Natural Resources' (DNR) Surface Mine Reclamation Program was created by legislation in 1971 with the stated purpose of ensuring that the usefulness, productivity, and scenic value of all lands and waters involved in surface mining within the state receive the greatest practical degree of protection and reclamation at the earliest opportunity following completion of surface mining.

Washington law requires miners or permit holders to have obtained a reclamation permit from DNR before engaging in surface mining. The reclamation permit application includes descriptions of the type of surface mining to be performed, a description of the minerals to be mined, any applicable State Environmental Policy Act documents, and other materials.

The Surface Mine Reclamation Program is funded through annual permit fees and permit application fees. The application fee for a new reclamation permit, the expansion of an existing permitted mine, or the combination of existing public or private reclamation permits, is $4,500. The fee for revising an existing reclamation plan is $2,500. The annual fee for all permit holders is $2,000.

Certain smaller county mines used for public works projects are subject to lower annual fees. County mines under seven acres that are used exclusively for public works projects have a fee cap of $1,000. The fee is waived for county mines under seven acres with 1993 county populations under 20,000, that are used primarily for public works projects.

Summary of Bill: Several surface mine reclamation permit fees are increased. The fee for revision of an existing reclamation permit or reclamation plan is increased from $2,500 to $4,500. The annual fee is increased from $2,000 to $3,500, except that the annual fee for a public permit holder for mines used exclusively for public works projects is $2,500, regardless of the mine's size or location.

The fee cap and the exemption for certain smaller county mines used for public works projects are eliminated. DNR is directed to advise applicants revising a surface mine reclamation permit or plan, of any information necessary to successfully complete the application within 60 days.

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: There are more than 850 permitted surface mines in Washington. Fees were last increased in 2017 with broad support. The Surface

Mine Reclamation Program is entirely fee-supported. Fees were last increased in 2017 with broad support; the fees must be increased for DNR to continue providing the current level of support and meet the program's statutory obligations. The Surface Mine Advisory Committee developed this proposal carefully and deliberately. The Reclamation Program is important and permits miners to tell the full story of the product, including the reclamation of the mines.

CON: This bill's impact on small producers is significant. The fee is assessed per mine regardless of quantity of rocks produced. In Eastern Washington a producer might need ten different pit locations to keep their crews working and produce 2000-3000 tons a year. That producer pays ten times more fees than a single-pit metro-area producer even if the metro-area producer is moving three million tons a year. The state needs sources all across the state to keep transportation and construction costs down.

Persons Testifying: PRO: Senator Sharon Shewmake, Prime Sponsor; Pat Sullivan, Department of Natural Resources; Cory Shaw, Washington Aggregates & Concrete Association.

CON: Kory Hedrick, Versatile Industries Inc.

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

EFFECT OF HOUSE AMENDMENT(S):

- Restored the $1,000 annual fee cap for county mines used exclusively for public works projects and having less than seven acres of disturbed area per mine.