

SENATE BILL REPORT

HJM 4018

As Reported By Senate Committee On:
Ecology & Parks, March 28, 1995

Brief Description: Requesting a variance in order to preserve man-made wetlands.

Sponsors: Representatives Casada, Chappell, Brumsickle, Kessler, Huff, Hankins, Kremen, Grant, L. Thomas and Mastin.

Brief History:

Committee Activity: Ecology & Parks: 3/23/95, 3/28/95 [DPA].

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: Do pass as amended.

Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Staff: Cathy Baker (786-7708)

Background: The federal Surface Mining and Control Act of 1977 sets general performance standards that are applicable to all surface coal mining and reclamation operations. In general, such an operation is required to restore the approximate original contour of the land. The act also requires the land to be restored to a condition capable of supporting the uses for which it was capable of supporting prior to any mining, or higher or better uses.

Under the rules of the Office of Surface Mining Reclamation and Enforcement of the U. S. Department of the Interior, impoundments constructed of coal mine waste or constructed to impound coal mine wastes may not be retained permanently as part of the approved postmining land use. The operation must also minimize disturbances and adverse impacts on fish, wildlife and related environmental values and must achieve enhancement of such resources where practicable.

Summary of Amended Bill: The President of the United States, the Congress, and the Department of the Interior are asked to continue encouraging the Office of Surface Mining to: (1) find ways to preserve wetlands of significant size and value that are created as a result of substantial surface mining activities; (2) recognize the climatic differences in surface mining operations in regions throughout the nation; and (3) allow the states to encourage local mining industries to take advantage of opportunities to preserve and enhance wetlands for the benefit of wildlife, fisheries, and recreation.

Amended Bill Compared to Original Bill: Stylistic changes are made. There is additional detail regarding the types of wetlands that should be allowed to be preserved.

Appropriation: None.

Fiscal Note: Not requested.

Testimony For: There should be more flexibility in federal regulations to allow mining companies to retain wetlands that have been created as a result of mining operations. These wetlands have important ecological values and provide recreational opportunities.

Testimony Against: None.

Testified: Ron Newbry, Pacificorp (pro).