

5502-S2

Sponsor(s): Senate Committee on Ways & Means (originally sponsored by Senators Sutherland and Prentice)

Brief Description: Revising mining reclamation laws.

**SB 5502-S2.E - DIGEST**

(DIGEST AS ENACTED)

Clarifies that surface mining is a land use activity subject to the authority of counties, cities, and towns to protect the health, safety, and welfare of the public and the environment to be carried out giving consideration to reclamation plans developed by the department of natural resources.

Requires permit holders to reclaim each segment of the mine within two years of completion of surface mining.

Requires a reclamation plan prior to issuance of a permit.

Establishes fees for permits.

Creates a surface mining model ordinance advisory committee.

Establishes protection of ground and surface water resources.

Provides fines for violations of the act.

Authorizes a no-cost consulting service for reclamation issues.

Repeals provisions in chapter 78.44 RCW.

VETO MESSAGE ON SB 5502-S2

May 18, 1993

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 16 and 19, Engrossed Second Substitute Senate Bill No. 5502, entitled: "AN ACT Relating to state and local government regulation of surface mining;"

This legislation will greatly enhance the state's ability to regulate surface mining reclamation and to protect public resources. However, certain sections of the bill clearly restrict the ability of local governments to regulate surface mining itself.

Section 16 imposes state direction on the designation of mineral resource lands, which the Growth Management Act allows counties free authority to designate. Section 16 also limits the ability of local jurisdictions to regulate surface mining and to provide local protection of air and water resources. Section 19 precludes local jurisdictions from dealing with water impacts of surface mines. Both of these sections limit local jurisdictions regulatory ability to those areas not already regulated by the state or federal governments. This unnecessarily restricts the ability of local government to adequately regulate surface mining.

For these reasons, I am vetoing sections 16 and 19.

With the exception of sections 16 and 19, Engrossed Second Substitute Senate Bill No. 5502 is approved.

Respectfully submitted,

Mike Lowry  
Governor