

2 **HB 2609** - H AMD 488 ADOPTED 3-7-96

3 By Representatives Fuhrman, Grant and others

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature recognizes that the
8 availability of minerals through surface mining is essential to the
9 economic well-being of the state and nation. The citizens of the state
10 are rapidly running out of approved or designated sites to extract
11 these minerals. Therefore, the available sources of these minerals are
12 nearly exhausted.

13 The state has enacted several laws in recent years directing local
14 governments to make land use decisions for appropriate uses of land
15 through designation in advance of or during the comprehensive planning
16 process and then to limit the specific approval process to mitigating
17 specific impacts of the use or uses allowed by the designation. The
18 current planning and regulatory environment makes economically viable
19 permits unobtainable for the vast majority of the sites where the
20 minerals are located and needed.

21 The cost of transportation of minerals for any significant distance
22 can have a compounding effect on the costs to the taxpayers of the
23 state. Surface mining must take place in diverse areas where the
24 geologic, topographic, climatic, biologic, and social conditions are
25 significantly different, and reclamation specifications must vary
26 accordingly. But surface mining is a finite use of the land and
27 another beneficial use must follow through reclamation.

28 Therefore, the legislature finds that designation, production, and
29 conservation of adequate sources of minerals under section 2 of this
30 act is in the best interests of the citizens of the state.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW
32 to read as follows:

33 (1)(a) Where the county has classified mineral lands pursuant to
34 RCW 36.70A.050 and mineral resource lands of long-term commercial
35 significance exist, a county shall designate sufficient mineral
36 resource lands in the comprehensive plans to meet the projected twenty-

1 year, county-wide need. Once designated, mineral resource uses,
2 including operations as defined in RCW 78.44.031, shall be established
3 as an allowed use in local development regulations.

4 (b) The county shall designate mineral resource deposits, both
5 active and inactive, in economically viable proximity to locations
6 where the deposits are likely to be used.

7 (c) This section has no applicability to metals mining and milling
8 operations as defined in RCW 78.56.020.

9 (d) Proximity provisions of (b) of this subsection and subsection
10 (5)(a) of this section do not apply to metallic placer, dolomite,
11 limestone, magnesite, or quartzite deposits, and any activity related
12 to the development or operation of such deposits.

13 (2) Nothing in this section precludes any unit of government from
14 accepting the lowest responsible bid for purchase of mineral materials,
15 regardless of source.

16 (3) Through its comprehensive plan and development regulations, as
17 defined in RCW 36.70A.030, a county, city, or town shall discourage the
18 siting of new applications of incompatible uses adjacent to mineral
19 resource industries, deposits, and holdings.

20 (4) Any additions or amendments to comprehensive plans or
21 development regulations required by this section shall be adopted at
22 the next regularly scheduled amendment of the comprehensive plan or
23 development regulations which occurs at least six months after the
24 effective date of this section.

25 (5) For the purposes of this section:

26 (a) "Long-term commercial significance" includes the mineral
27 composition of the land for long-term economically viable commercial
28 production, in consideration with the mineral resource land's proximity
29 to population areas, product markets, and the possibility of more
30 intense uses of the land.

31 (b) "Allowed use" means the use or uses specified by local
32 development regulations as appropriate within those areas designated
33 through the advance or comprehensive planning process. Once
34 designated, a proposed allowed use shall be reviewed for project
35 specific impacts and may be conditioned to mitigate significant adverse
36 impacts within the context of site plan approval, but such review shall
37 not revisit the question of land use.

1 (6) Nothing in this section shall modify the procedures and
2 requirements of chapter 43.21C RCW and allowed uses shall be reviewed
3 in accordance with chapter 43.21C RCW.

4 **Sec. 3.** RCW 78.44.310 and 1993 c 518 s 38 are each amended to read
5 as follows:

6 The department ((may)) shall establish a no-cost consulting service
7 within the department to assist miners, permit holders, local
8 government, and the public in technical matters related to mine
9 regulation, mine operations, and reclamation. The department ((may))
10 shall prepare concise, printed information for the public explaining
11 surface mining activities, timelines for permits and reviews, laws, and
12 the role of governmental agencies involved in surface mining, including
13 how to contact all regulators. The department shall not be held liable
14 for any negligent advice.

15 NEW SECTION. **Sec. 4.** The sum of fifty thousand dollars, or as
16 much thereof as may be necessary, is appropriated for the biennium
17 ending June 30, 1997, from the surface mining reclamation account to
18 the department of natural resources for the purposes of section 3 of
19 this act."

20 Correct the title as necessary.

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