

---

SENATE BILL 5438

---

State of Washington

55th Legislature

1997 Regular Session

By Senators Morton, Rasmussen, Stevens, Benton, Anderson and Hargrove

Read first time 01/27/97. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to surface mining; and amending RCW 78.44.151,  
2 78.44.171, and 78.44.910.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 78.44.151 and 1993 c 518 s 23 are each amended to read  
5 as follows:

6 The department and the permit holder may modify the reclamation  
7 plan at any time during the term of the permit for any of the following  
8 reasons:

9 (1) To modify the requirements so that they do not conflict with  
10 existing or new laws;

11 (2) If the department and permit holder jointly determine((s)) that  
12 the previously adopted reclamation plan is impossible or impracticable  
13 to implement and maintain; or

14 (3) The previously approved reclamation plan is not accomplishing  
15 the intent of this chapter as determined by the department and permit  
16 holder jointly.

17 Modified reclamation plans shall be reviewed by the department as  
18 lead agency under SEPA. Such SEPA analyses shall consider only those  
19 impacts relating directly to the proposed modifications. Copies of

1 proposed and approved modifications shall be sent to the appropriate  
2 county, city, or town.

3 **Sec. 2.** RCW 78.44.171 and 1993 c 518 s 22 are each amended to read  
4 as follows:

5 Reclamation permits shall be transferred to a subsequent permit  
6 holder and the department shall release the former permit holder from  
7 the duties imposed by this chapter if((+

8 (1)) both permit holders comply with all rules of the department  
9 addressing requirements for transferring a permit((+and

10 (2) ~~Unless waived by the department, the mine and all others~~  
11 ~~operated by both the former and subsequent permit holders and their~~  
12 ~~principal officers or owners are in compliance with this chapter and~~  
13 ~~rules)).~~

14 **Sec. 3.** RCW 78.44.910 and 1993 c 518 s 36 are each amended to read  
15 as follows:

16 Miners and permit holders shall not be required to reclaim any  
17 segment where all surface mining was completed prior to January 1,  
18 1971. However, the department shall make an effort to reclaim  
19 previously abandoned or completed surface mining segments. However,  
20 the department shall not require an applicant to reclaim lands not  
21 under his or her control.

--- END ---