

# HOUSE BILL REPORT

## SB 5307

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**As Reported By House Committee On:**  
Natural Resources

**Title:** An act relating to the reclamation of surface disturbances caused by underground mining.

**Brief Description:** Concerning reclamation of underground mine tailings.

**Sponsors:** Senators Jacobsen, Swecker, Fraser and Kline; by request of Commissioner of Public Lands.

**Brief History:**

**Committee Activity:**

Natural Resources: 3/24/99, 4/2/99 [DPA].

**Brief Summary of Bill**  
(As Amended by House Committee)

- Certain surface mining activities of underground mines are placed under the jurisdiction of the Department of Natural Resources rather than the Department of Ecology if requested by the mine operator.

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### HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** Do pass as amended. Signed by 12 members: Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

**Staff:** Bill Lynch (786-7092).

**Background:**

The Department of Natural Resources regulates surface mining through the surface mining reclamation laws. Most of the mines in the state are open pit sand and gravel operations, although some metal mines are regulated by the Department of Natural Resources on a site-specific basis. The basic objective of surface mine reclamation is to

reestablish on a continuing basis the vegetative cover, slope stability, water conditions, and safety conditions suitable to the proposed subsequent use consistent with local land use plans for the surface mine site.

The Department of Ecology regulates the reclamation of underground metal mines. Because there are so few underground metal mines, the Department of Ecology uses the expertise of the Department of Natural Resources when preparing reclamation plans for the surface activities of these underground mines.

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**Summary of Amended Bill:**

The definitions of "disturbed area" and "reclamation" in the surface mining law are expanded to include aboveground waste rock sites and tailing facilities, and other surface manifestations of underground mines. Surface disturbances caused by underground metals mining and milling operation are subject to regulation by the Department of Natural Resources instead of the Department of Ecology if the operation is proposed after June 30, 1999. An operation is proposed if an application is submitted to start an operation or to expand an existing operation having a probably significant adverse environmental impact under the State Environmental Policy Act (SEPA). Current operations are under the jurisdiction of the Department of Ecology unless the mine operator requests that the authority over the surface disturbances be transferred to the Department of Natural Resources.

**Amended Bill Compared to Original Bill:** The original bill transferred jurisdiction to regulate surface disturbances of underground metal mines to the Department of Natural Resources without providing existing mine operators with an option to remain under the Department of Ecology's jurisdiction.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Amended Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** (Original bill) The Department of Ecology currently contracts these responsibilities to the Department of Natural Resources. This is a cleaner way to handle these activities. Mining is a heavily regulated industry and this is a very narrow aspect of surface reclamation.

**Testimony Against:** None.

**Testified:** Amy Bell, Department of Natural Resources; John Woodring, Northwest Mining Association; and Sandy Lorentzen, Battle Mountain Gold Company and Cominco American.