

SENATE BILL REPORT

SB 6148

As Reported By Senate Committee On:
Environmental Quality & Water Resources, January 28, 2000

Title: An act relating to environmental review of surface mining in flood plains.

Brief Description: Requiring an environmental impact statement for mining in flood plains.

Sponsors: Senators Jacobsen, Heavey, Patterson, Fairley, Fraser, McAuliffe, Franklin and Kline; by request of Commissioner of Public Lands and Department of Fish and Wildlife.

Brief History:

Committee Activity: Environmental Quality & Water Resources: 1/18/2000, 1/28/2000 [DPS, DNP].

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Majority Report: That Substitute Senate Bill No. 6148 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen and McAuliffe.

Minority Report: Do not pass.

Signed by Senators Honeyford, Morton and Swecker.

Staff: Genevieve Pisarski (786-7488)

Background: River flood plains often contain large stores of sand and gravel. These materials are mined for commercial use from pits that are often immediately adjacent to an active river channel. When there is an abrupt shift of the channel, such pits are considered to pose a risk to both upstream and downstream channel stability and minimum stream flows, and for dewatering or removal of wetlands. Proper siting, construction, and operation of such pits is considered to be able to mitigate these risks and, also, provide fish and wildlife habitat benefits. The Department of Natural Resources is authorized to regulate reclamation of surface mines. Local governments also have authority to regulate surface mines under local shoreline master programs and other local ordinances. Under the State Environmental Policy Act (SEPA), an environmental impact statement (EIS) is required for actions having a probable significant, adverse environmental impact.

Summary of Substitute Bill: Any new or expanded public or private surface mine is categorically required to prepare an environmental impact statement, if all or part of it is located within a flood plain, as defined by rule, except metals mining and milling operations.

Substitute Bill Compared to Original Bill: Metals mining and milling operations, for which environmental impact statement requirements are already established are removed.

Appropriation: None.

Fiscal Note: Requested on January 11, 2000.

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

Testimony For: Those surface mines that are required to have a reclamation permit are the ones that are included. Channel shift is common and is likely to occur. It may occur long after operations have ceased. Site-specific information is needed at the beginning, to prepare for eventual catastrophic circumstances. Otherwise, the cost is passed off on others. Most large counties are requiring environmental impact statements. A categorical requirement for an environmental impact statement provides advance notice and allows efficient use of the SEPA process, as opposed to cumulative addition of permit conditions. There would be only five or six more environmental impact statements a year. Costs are proportionate to the size of the operation. The requirement could be limited to a smaller part of the flood plain, where channel shift is expected to occur. Surface mining operations should not be allowed in flood plains. Even without catastrophic channel shifts, the operations themselves impact habitat. The cumulative effects on a river system are great. The gravels in the flood plain, as well as the water, include critical habitat for endangered species. The materials mined in flood plains can be found elsewhere.

Testimony Against: There is possible conflict with existing requirements governing metals mining that would create ambiguity. Existing regulations provide for enough information to take care of environmental impacts. This is unnecessary duplication. Management of surface mining impacts is continuing to improve.

Testified: Steve Buckner, WA Aggregate & Concrete Assn. (con); Paul J. Ward, Yakama Nation (pro); Ton Ring, Yakama Nation (pro); Ron Teissere, DNR (pro); Peter Birch, Fish and Wildlife (pro); Sandra Lorentzen, Battle Mountain Gold Co.; Ron Shultz, National Audubon Society (pro).