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SENATE BILL 5319

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State of Washington

69th Legislature

2025 Regular Session

By Senators Shewmake, Chapman, and Nobles; by request of Department of Natural Resources

Read first time 01/17/25. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to establishing surface mine reclamation permit  
2 fees; and amending RCW 78.44.085.

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

4 **Sec. 1.** RCW 78.44.085 and 2017 3rd sp.s. c 27 s 1 are each  
5 amended to read as follows:

6 (1) An applicant (~~(for an expansion of a permitted surface mine,~~  
7 ~~a new reclamation permit under RCW 78.44.081, or for combining~~  
8 ~~existing public or private reclamation permits, shall pay a~~  
9 ~~nonrefundable application fee to the department before being granted~~  
10 ~~the requested permit or permit expansion)): (a) For a revision of an  
11 existing reclamation permit or reclamation plan; (b) for an expansion  
12 of a permitted surface mine; (c) for a new reclamation permit under  
13 RCW 78.44.081; or (d) seeking to combine existing public or private  
14 surface mine reclamation permits, shall pay a nonrefundable  
15 application fee to the department before the department will make a  
16 decision on the application. The amount of the application fee shall  
17 be (~~four thousand five hundred dollars.~~~~

18 ~~(2) Permit holders submitting a revision to an application for an~~  
19 ~~existing reclamation plan that is not an expansion shall pay a~~  
20 ~~nonrefundable reclamation plan revision fee of two thousand five~~  
21 ~~hundred dollars)) \$4,500.~~

1       ~~((3))~~ (2) After June 30, 2017, each public or private permit  
2 holder shall pay an annual permit fee in an amount pursuant to this  
3 section. The annual permit fee shall be payable to the department  
4 prior to the reclamation permit being issued and on the anniversary  
5 of the permit date each year thereafter.

6       ~~((4))~~ (3)(a) Except as otherwise provided in this subsection,  
7 each public or private permit holder must pay an annual fee of ~~((two~~  
8 ~~thousand dollars))~~ \$3,500.

9       ~~(b) ((Annual fees paid by a county for mines used exclusively for~~  
10 ~~public works projects and having less than seven acres of disturbed~~  
11 ~~area per mine shall not exceed one thousand dollars.~~

12       ~~(c) Annual fees are waived for all mines used primarily for~~  
13 ~~public works projects if the mines are owned and primarily operated~~  
14 ~~by counties with 1993 populations of less than twenty thousand~~  
15 ~~persons, and if each mine has less than seven acres of disturbed~~  
16 ~~area)) The annual fee for a public permit holder for mines used~~  
17 ~~exclusively for public works projects, as defined in RCW~~  
18 ~~39.04.010(5), is \$2,500.~~

19       ~~((5))~~ (4) Any production records, mineral assessments, and  
20 trade secrets submitted by a permit holder, mine operator, or  
21 landowner to the department are to be held as confidential and not  
22 released as part of a public records request under chapter 42.56 RCW.

23       ~~((6))~~ (5) Appeals from any determination of the department  
24 shall not stay the requirement to pay any annual permit fee. Failure  
25 to pay the annual fees may constitute grounds for an order to suspend  
26 surface mining, pay fines, or cancel the reclamation permit as  
27 provided in this chapter.

28       ~~((7))~~ (6) All fees collected by the department shall be  
29 deposited into the surface mining reclamation account created in RCW  
30 78.44.045.

31       ~~((8))~~ (7) If the department delegates enforcement  
32 responsibilities to a county, city, or town, the department may  
33 allocate funds collected under this section to the county, city, or  
34 town.

35       ~~((9))~~ (8) Within ~~((sixty))~~ 60 days after receipt of an  
36 application for a new or expanded permit, or revision to an existing  
37 reclamation permit or reclamation plan, the department shall advise  
38 applicants of any information necessary to successfully complete the  
39 application.

1        (~~(10)~~) (9) In addition to other enforcement authority, the  
2 department may refer matters to a collection agency licensed under  
3 chapter 19.16 RCW when permit fees or fines are past due. The  
4 collection agency may impose its own fees for collecting delinquent  
5 permit fees or fines.

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