

HCS HB 1761 -- SURFACE MINING AND EXCAVATION

SPONSOR: Hobbs (Loehner)

COMMITTEE ACTION: Voted "do pass" by the Committee on Conservation and Natural Resources by a vote of 9 to 0 with 2 present.

This substitute allows a property owner or operator conducting gravel removal at the request of a property owner for the primary purpose of managing seasonal gravel accretion on property not used primarily for gravel mining to remove and sell excess gravel without a permit. Gravel removal must be conducted from June 1 through March 14. Property owners and operators must follow the guidelines of the Department of Natural Resources on surface mining and gravel removal.

Property owners are limited to selling 1,500 tons of gravel annually per site and are required to notify the department before any person or operator conducts gravel removal from his or her property if the gravel is sold or intended to be sold commercially. The notification will expire after one year. Any future commercial gravel mining activities will require the property owner to notify the department on an annual basis.

No property owner or operator will conduct gravel removal from any site located near any building, structure, highway, road, bridge, viaduct, water or sewer line, or pipeline or utility line. The distance for the prohibition will be determined by the department.

Any person filing a complaint with the department for violations of the provisions of the substitute must identify himself or herself by name and telephone number; provide the date of the violation; and provide photographs, water samples, or other adequate proof of the violation.

FISCAL NOTE: No impact on state funds in FY 2007, FY 2008, and FY 2009.

PROPOSERS: Supporters say that there is a gravel problem in Missouri streams that is causing a decrease in aquatic life and stream bank erosion. The bill takes steps to clarify and rectify problems with the state's guidelines concerning gravel excavation and gives more practicable solutions to gravel removal from streams.

Testifying for the bill were Representatives Loehner and Kuessner; Department of Natural Resources; Russell Wood, Ozark Chapter of the Property Rights Congress; Missouri Farm Bureau;

and Jim Loehner.

OPPONENTS: Those who oppose the bill say that dredging streams actually causes the erosion and loss of productivity of fish. The bill will make streams and creeks susceptible to non-permitted and unregulated gravel miners. The solution to the gravel problems in Missouri's streams is to let the streams re-stabilize themselves.

Testifying against the bill were American Fisheries Society; Karen Pruitt; Andy Pruitt; John Wenzlick, Ozark Council of Trout Unlimited; Ozark Fly Fishers; Missouri Coalition for the Environment; and Sierra Club.

OTHERS: Others testifying on the bill say gravel is an important commodity in Missouri, and citizens of the state should not have to choose between excavating gravel and having good streams. The increase in gravel is certainly affecting the streams in the state, but there does not seem to be an easy solution to the problem.

Others testifying on the bill were Department of Agriculture; Department of Conservation; and Vince Samson.

Kristina Jenkins, Legislative Analyst