

HCS HB 628 -- MINING AND GRAVEL EXCAVATION

SPONSOR: Hobbs (Loehner)

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

This substitute allows a property owner, an operator conducting gravel removal at the request of a property owner, or a political subdivision who contracts with an operator for excavation to remove and sell excess gravel without a permit if the primary purpose for removal is to manage seasonal gravel accretion on property not used primarily for gravel mining. Gravel removal must be conducted from June 1 through March 14, solely on the property owner's or political subdivision's property and not within a distance to be determined by the Department of Natural Resources of any building, structure, highway, road, bridge, viaduct, or water or sewer line. Property owners and operators must follow the departmental guidelines regarding surface mining and gravel removal.

Property owners are limited to selling 5,000 tons of gravel annually with a 1,500 ton per-site limitation and are required to notify the department before any person or operator conducts gravel removal from his or her property if it is intended to be sold commercially. Notification will include the nature of the activity, the county and stream name in which the site is located, and the property owner's name. Any future commercial gravel mining activities at the site will not require the property owner to renotify the department. Any operator conducting gravel removal at the request of the property owner who removes more than 5,000 tons of sand and gravel material within a calendar year must have a watershed management practice plan approved by the Land Reclamation Commission within the department. The application must be accompanied by a \$300 fee and must contain the name of the watershed from which the operator will be conducting the removal, the location where the sand and gravel will be removed, and the description of the vehicles and equipment that will be used for the removal.

Any person filing a complaint with the department for an alleged violation of the provisions of the substitute must identify himself or herself by name and telephone number; specify the date and location of the violation; and provide adequate information as determined by the department of the violation. Any records, statements, or communications submitted by any person to the department will be confidential and used solely by the department to investigate the alleged violation.

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

FY 2010.

PROPOSERS: Supporters say that streams in the southern portion of the state have a gravel problem that is having a detrimental effect on the environment and stream banks. Soil erosion and water quality need to be considered, but there will be less environmental degradation by allowing landowners to remove gravel from the streams.

Testifying for the bill were Representatives Loehner and Kuessner; Department of Natural Resources; Ron Hardecke; George Engleback, Missouri Association of Soil and Water Districts; Department of Agriculture; and Missouri Farm Bureau.

OPPOSERS: Those who oppose the bill say that the removal of gravel is not the answer to the problem in Missouri's streams. Larger streams do have a backlog of gravel; but by removing it, the problem is just moved further downstream to someone else.

Testifying against the bill were Duane Chapman, Missouri Chapter of the American Fisheries Society; Sierra Club; Bob Temper, Ozark Fly Fishers; Norman Leppo, Missouri Smallmouth Alliance and Conservation Federation of Missouri; John Wenzlick, Trout Unlimited; Missouri Votes Conservation; Chris Witte; James Huckins; and Kathleen Logan Smith, Missouri Coalition for the Environment.

OTHERS: Others testifying on the bill say that the department does see a critical need for gravel excavation; however, it does not feel that one must choose between gravel removal and preservation of a stream. The department has historically worked toward standards that will strike a balance between preservation and removal interest groups.

Testifying on the bill was Department of Conservation.