

FERRY COUNTY MINING ORDINANCE

1.0 General Provisions

1.01 Authority

This ordinance is enacted pursuant to authority granted Ferry County in Art. 11, Sect. 11 Constitution of the State of Washington, RCW 36.32.120, RCW 7.48.140. RCW Chapter 17.04 and RCW 36.75.020.

1.02 Purpose

The purpose of this ordinance is to encourage responsible exploration, extraction and processing of mineral resources in Ferry County by imposition of notice and operation requirements. It is meant to mitigate degradation of the environment while not unduly burdening exploration, extraction and processing of minerals. Also, it is not meant to create unnecessary, or redundant regulations of such activities. This ordinance is intended to address the needs and concerns of the citizens of Ferry County, and is expected to change as mining technology and demographics change.

1.03 Applicability

All exploration, extraction and processing operations in the unincorporated part of Ferry County shall comply with this ordinance; except exploration, extraction and processing operations regulated by state or federal mining and reclamation laws shall not have to comply with the exploration reclamation requirement [3.03] or the operating [4.02] and reclamation [4.03] requirements, but have 180 days to comply with the remainder of the ordinance. Exploration, extraction and processing operations not regulated by state or federal law, in existence when this ordinance takes effect, shall have 180 days to comply with this ordinance.

## 1.04 Administration

The Ferry County Planner, or his designated representative, hereafter referred to as the Administrator, is vested with the duty of administering this ordinance within the area of applicability, and may prepare and require the use of such forms as are necessary and essential to its administration, and as approved by the Board.

## 2.0 Definitions

2.01 Administrator shall mean the Ferry County Planner, or his designated representative, who is vested with the duty of administering land use regulations within the unincorporated parts of Ferry County.

2.02 Board shall mean the Ferry County Board of Commissioners.

2.03 Engineer shall mean the Ferry County Engineer, or his designated representative, who is vested with authority to maintain all county roads.

2.04 Exploration operation shall mean those activities undertaken to determine the location of, presence of, and feasibility of extraction of, solid minerals. Evidence of such activities includes but is not limited to: core sampling and/or drilling, heavy equipment use off roadways, construction of new roadways and improvement/maintenance of existing roadways.

2.05 Extraction operation shall mean the mining of minerals, precious metals, sand, gravel, or stone, whether by underground or surface methods. Materials extracted may or may not require milling or finishing on or in the proximity of the extraction site.

2.06 Operator shall mean any person, including any legal entity, responsible for and having the legal right to operate, control or supervise an exploration, extraction or processing operation.

2.07 Processing operation shall mean a mill, beneficiation plant, smelter, or any other facility whose purpose is either that of treating ore in a manner to separate the mineral from the waste or purifying the mineral.

2.08 Reclamation shall mean a reasonable method of reclaiming lands disturbed by the exploration, extraction, or processing of minerals; the purpose of such reclamation is to minimize soil erosion, noxious weed infestation and safety hazards to persons and animals.

### 3.0 Exploration Requirements

#### 3.01 Notice of Exploration Requirement

A Notice of Exploration shall be presumed current for up to 12 months. If an exploration operation shall extend beyond 12 months, the operator shall file additional Notice of Exploration forms prior to the expiration of each 12 month period. The Notice of Exploration shall include the following information:

3.01.1 Operator's name, address, telephone number and, if applicable, local branch office address and telephone number and headquarters address and telephone number;

3.01.2 Legal description (at least to the nearest quarter-quarter) of the land to be disturbed by the exploration activities;

3.01.3 The names, addresses and telephone numbers of all persons or the companies holding surface or mineral interests in the real property to be explored and access thereto (except public roads or rights-of-way);

3.01.4 Administrating agency's name, address and telephone number if title to the real property (Section 3.01.2) to be explored is vested in a unit of government;

3.01.5 A concise description of the type of exploration to be performed including whether or not explosives will be used;

3.01.6 A concise description of the expected disturbance to the real property;

3.01.7 The procedures which will be utilized to control noxious weeds and off-site erosion such as access road erosion and other off-site erosion directly related to on-site disturbances;

3.01.8 The signature(s) of the operator(s) and their legal titles.

### 3.02 Exploration Requirements

3.02.1 All exploration operations will comply with the requirements to control noxious weed infestation in accordance with the Rules and Regulations of the Ferry County Weed Control District; including amendments.

3.02.2 All drill holes will be constructed and abandoned to ensure protection of groundwater in accordance with WAC 173-160-010(4).

### 3.03 Exploration Reclamation Requirement

The operator of any exploration operation shall, when the exploration operation is completed, comply with the reclamation requirements of this part.

3.03.1 Within a reasonable time following completion of exploration, the operator of the exploration operation shall implement procedures to minimize soil erosion, noxious weed infestation, safety hazards to persons and animals, and comply with 3.03.2 below. Such procedures will be reviewed with the Ferry County Conservation District. Reasonable time in this part is considered to be at least the next spring or fall planting season or a schedule approved by the Administrator.

3.03.2 All drill holes shall be abandoned in the manner consistent with the meaning and intent of this ordinance using the following standards:

The operator is responsible for the drilling and abandoning of exploration holes in a manner that will prevent contamination of the ground water in accordance with WAC 173-160-010(4). Permanently abandoned holes shall be filled, utilizing bentonite grout, cement grout, concrete, puddling clay, packers or other materials as required to stop the upward or downward movement of water; drill cuttings, as

available and appropriate, shall be placed in the drill hole to the extent needed to complete back filling and the remainder of the cuttings scattered. All abandoned drill holes shall be filled at least level with the ground surface.

Drillers shall be responsible for using drilling fluids and additives in accordance with the manufacturer's specifications and state and federal requirements.

3.03.3 All operators who are required to both file a Notice of Exploration and comply with the Exploration Reclamation Requirements must within thirty (30) days following completion of the activities required by sections 3.03.1 and 3.03.2, file a Notice of Reclamation Completion with the Administrator.

#### 4.0 Operation Requirements

##### 4.01 Notice of Operation Requirement

The operator of any extraction or processing operation shall, prior to commencing any extraction or processing operation, file with the Administrator a Written Notice of Operation. The Notice of Operation shall include the following information:

4.01.1 Operator's name, address, telephone number, and, if applicable, local branch office address and telephone number and headquarters address and telephone number;

4.01.2 Legal description (at least to the nearest quarter-quarter) of the land to be disturbed by the extraction or processing activities;

4.01.3 The names, addresses and telephone numbers of all persons or the companies holding any interest in the real property (Section 4.01.2) where the extraction or processing will take place;

4.01.4 Administrating agency's name, address and telephone number if title to the real property (Section 4.01.2) is vested in a unit of government;

4.01.5 A statement as to the intent, estimated annual production, and estimated life of the proposed operation;

4.01.6 A listing of the minerals to be extracted or processed, and a statement as to whether or not explosives will be used;

4.01.7 A surface site plan, drawn to scale and of appropriate size, that includes the location of all proposed structures and the general uses of such structures, extraction sites, ponds, storage areas, roads, and any other significant features unique to a specific operation;

4.01.8 A vicinity map of reproducible quality at appropriate scale that includes the location of the extraction and/or processing operation, adjacent property owners and mileage to closest town or populated site;

4.01.9 A copy of the road use permit application or road use waiver request filed with the Engineer;

4.01.10 The procedures which will be utilized to control noxious weeds on the property and off-site erosion such as access road erosion and other off-site erosion directly related to on-site disturbances;

4.01.11 The signature(s) of the operator(s) and their legal titles.

#### 4.02 Operating Requirements

4.02.1 The operator of an extraction operation shall construct a suitable fence around the surface work area if the extraction operation is within 500 feet of any residential use; or any commercial use not owned or operated by the operator. The operator of a processing operation shall construct a suitable fence around any potentially hazardous areas of the processing site; regardless of proximity of neighboring residential or commercial uses. "Suitable fences" shall be defined by their purpose, namely to control entry by the public and livestock and with reference to the definition of lawful fence in RCW 16.60.010.

4.02.2 The operator of a processing operation which uses hazardous materials for leaching shall place warning signs around those areas where such hazardous materials are being used. The signs shall be placed in locations and at intervals such that they are visible from avenues of approach by the general public. Sign locations can be, for example, on or adjacent to the fences required in Sub-section 4.02.1. Sign intervals shall be such that each sign is visible from an adjacent sign location, but at intervals not to exceed 300 feet.

#### 4.03 Reclamation Requirements

4.03.1 The operators of extraction and processing operations shall reclaim the extraction and processing sites so as to minimize soil erosion [on and off site], noxious weed infestation, and safety hazards to the public and livestock. If need be, such reclamation shall include seeding and planting programs. Such procedures shall be reviewed with the Ferry County Conservation District. The operator's goal in reclamation shall be to return the land to beneficial use considering previous use of the site, the desires of the land owner, and/or the long-term stability of the site.

### 5.0 Change in Operator and Abandonment

#### 5.01 Change in Operator

The Administrator shall be given written notice of a change in operator within thirty (30) days of such change.

#### 5.02 Abandonment

If an exploration, extraction or processing operation is abandoned for a period of one year or more, it shall not be resumed without compliance with the ordinance. Operations shall not be considered abandoned if they are being maintained. If operations under Section 4.03 are abandoned, the reclamation requirements of the Section shall apply.

## 6.0 Penalties

### 6.01 Violation

Any operator, or operator's agent, who commences an exploration operation, extracting operation, or processing operation without first filing a complete and accurate written Notice of Exploration, or Notice of Operation, as the case may be, shall be in violation of this ordinance. Further, any operator, or operator's agents, who fail to meet any requirement set by this ordinance shall be in violation of this ordinance.

### 6.02 Penalties

Any operator, or operator's agent, who knowingly violates this ordinance shall be guilty of a misdemeanor and upon a conviction shall be punished by a sentence of not more than 90 days in jail, or a \$ 1,000.00 fine, or both such jail and fine.

### 6.03 Civil Remedy

This ordinance may be enforced by the Prosecuting Attorney by civil action for injunctive, declaratory, or such other relief as necessary to enforce this ordinance.

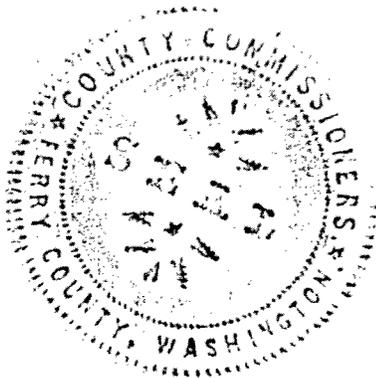
## 7.0 Severance

### 7.01 Severance

If any provision of this ordinance or its application to any operator, or operator's agent is held invalid, the remainder of the ordinance shall not be affected.

APPROVED this 25<sup>th</sup> day of June, 1990.

FERRY COUNTY BOARD OF COMMISSIONERS  
FERRY COUNTY, WASHINGTON



Ed Windsor  
ED F. WINDSOR, Chairman

Marie J. Bremner  
MARIE J. BREMNER, Member

Gary W. Kohler  
GARY W. KOHLER, Member

ATTEST:

Shilah Moores  
Shilah Moores  
Clerk of the Board