

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 1345 OF 1995
SENATE BILL 418

4 **By: Senators Dowd, Snyder and Wilson**

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For An Act To Be Entitled

8 "AN ACT TO PROHIBIT COMMERCIAL MINING IN EXTRAORDINARY

9 RESOURCE STREAMS; AND FOR OTHER PURPOSES."

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Subtitle

12 "TO AMEND THE OPEN-CUT LAND RECLAMATION

13 ACT."

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15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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17 SECTION 1. Arkansas Code Annotated § 15-57-315(14) is hereby repealed.

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19 SECTION 2. Arkansas Code Annotated § 15-57-310 is amended by adding a

20 new subsection to read as follows:

21 "(f) (1) The mining of gravel or other materials from streams or stream
22 beds shall comply with the permitting requirements of this subchapter.

23 (2) There shall be no mining in streams designated as
24 extraordinary resource waters of the State as established in water quality
25 standards duly promulgated by the Commission for all surface waters of the
26 State of Arkansas.

27 (3) The Department shall develop regulations to implement the
28 provisions of this chapter. The Department shall develop documentation that
29 will guide an operator through the permitting process."

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31 SECTION 3. Arkansas Code Annotated § 15-57-320 is amended by adding
32 four new subsections to read as follows:

33 "(c) Upon prior notice to the Department of Pollution Control and
34 Ecology, an agent or employee of a county or municipal government may remove
35 gravel or other materials from any stream in order to protect the integrity of
36 bridges or low water crossing of any public roadway without obtaining a

1 permit.

2 (d) Upon prior notice to the Department of Pollution Control and
3 Ecology, a governmental unit may remove gravel or other material from any
4 stream in order to protect the integrity of a government owned or controlled
5 structure without obtaining a permit.

6 (e) Flood control projects authorized by the U. S. Army Corp of
7 Engineers shall be exempt from the permitting requirement provided, however,
8 that certification under Section 401 of the Federal Clean Water Act is
9 obtained for said project.

10 (f) All stream gravel mining operations on streams designated as
11 extraordinary resource waters after January 1, 1995 may continue to operate
12 under a permit issued by the Department for a period of two (2) years from the
13 date of such designation. At the end of said two (2) year period, all mining
14 activities must be terminated and the affected area reclaimed in accordance
15 with the operator_s approved reclamation plan."

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17 SECTION 4. All provisions of this act of a general and permanent nature
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
19 Revision Commission shall incorporate the same in the Code.

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21 SECTION 5. If any provision of this act or the application thereof to
22 any person or circumstance is held invalid, such invalidity shall not affect
23 other provisions or applications of the act which can be given effect without
24 the invalid provision or application, and to this end the provisions of this
25 act are declared to be severable.

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27 SECTION 6. All laws and parts of laws in conflict with this act are
28 hereby repealed.

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30 SECTION 7. EMERGENCY. It is hereby found and determined by the
31 Eightieth General Assembly that protection of Arkansas_ streams is necessary
32 to prevent degradation of the water quality and existing designated uses.
33 Therefore, an emergency is hereby declared to exist and this act being
34 necessary for the immediate preservation of the public peace, health and
35 safety shall be in full force and effect from and after its passage and

1 approval.

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APPROVED: 4-17-95

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