

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

# A Bill

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

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 Arkansas Code Annotated § 15-57-315(14) is hereby repealed.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

1 of bridges or low water crossing of any public roadway without obtaining a  
2 permit.

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

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

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

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

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

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29 hereby repealed.

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31 SECTION 7. EMERGENCY. It is hereby found and determined by the  
32 Eightieth General Assembly that protection of Arkansas\_ streams is necessary  
33 to prevent degradation of the water quality and existing designated uses.  
34 Therefore, an emergency is hereby declared to exist and this act being  
35 necessary for the immediate preservation of the public peace, health and

1 safety shall be in full force and effect from and after its passage and  
2 approval.