

SENATE BILL REPORT

SB 6207

AS OF JANUARY 27, 1994

Brief Description: Restricting the state parks and recreation commission authority to regulate metal detectors.

SPONSORS: Senators Owen, Hargrove and Oke

SENATE COMMITTEE ON ECOLOGY & PARKS

Staff: Cathy Baker (786-7708)

Hearing Dates: January 28, 1994

BACKGROUND:

The State Parks and Recreation Commission manages 250 different park facilities throughout the state, encompassing approximately 90,000 acres. A number of these facilities contain documented archaeological resources or are located on sites of historic significance. Although State Parks properties may contain significant archaeological and historic resources, extensive surveys have not been conducted. In recent years, the agency has performed archaeological surveys prior to any excavation associated with new capital development or major maintenance projects, but these surveys have been limited in scope.

In 1987, the commission first adopted administrative rules dealing with use of metal detectors within state parks. The rules specify where and when metal detectors may be used within state parks, and limit the amount of digging that may be done as part of metal detecting activities. The rules include registration requirements and provide that park facilities and historic archaeological resources shall not be disturbed. The rules also state that items which appear to be of historical or archaeological significance may not be removed. There are currently 66 state parks that have areas open for use of metal detectors.

Under the state law dealing with archaeological sites and resources, "historic archaeological resources" are defined as those properties which are listed in or eligible for listing in the Washington State Register of Historic Places or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966. The state Department of Community Development (DCD) is directed to maintain the state register.

Existing state law provides for criminal penalties for any person who knowingly removes, alters, excavates, damages, destroys or defaces any historic or prehistoric archaeological

resource or site without first obtaining a permit from the Office of Archaeology and Historic Preservation within DCD.

SUMMARY:

The State Parks and Recreation Commission may not prohibit the use of metal detectors for recreational purposes except in areas where an historic archaeological resource has been identified.

In those state park areas that do not contain historic archaeological resources, the use of metal detectors shall be permitted subject to reasonable rules set forth by the commission. The commission shall adopt rules consistent with this policy.

Appropriation: none

Revenue: none

Fiscal Note: requested January 17, 1994