
**Fisheries, Ecology & Parks
Committee**

HB 2349

Brief Description: Allowing small scale resource extraction without written approval.

Sponsors: Representatives Ericksen and Hinkle.

Brief Summary of Bill

- Requires the Department of Natural Resources to allow small scale prospectors to access state-owned aquatic lands without charging a fee or rent, and without first requiring the prospector to obtain a permit, lease, or other form of permission.
- Allows certain recreational prospecting to be conducted without having to receive a hydraulics project approval from the Department of Fish and Wildlife.

Hearing Date: 2/5/04

Staff: Jason Callahan (786-7117).

Background:

The Department of Natural Resources (DNR) manages prospecting and mining on state lands. This authority includes both commercial and recreational mineral extraction. Generally, mineral extraction on state lands requires the issuance of a permit or a lease from the DNR (RCW 79.14.300). In addition, recreational prospectors operating in state waters are required to obtain a hydraulics project approval from the Department of Fish and Wildlife (DFW). Small scale recreational prospectors may satisfy this requirement by complying with the prospecting methods outlined by the DFW publication known as the Gold and Fish Pamphlet (RCW 77.55.270).

Recreational prospecting in violation of the standards established in the Gold and Fish Pamphlet may be subject to civil and criminal enforcement. The unlawful undertaking of a hydraulics activity is a gross misdemeanor (RCW 77.15.300). Civil penalties can be up to \$100 per day (RCW 77.55.140).

Small scale prospecting is defined as discovering and recovering minerals using pans, non-motorized sluice boxes, concentrators, and mini-rocker boxes (RCW 77.55.270).

Summary of Bill:

The DNR is required to allow recreational mineral prospecting and mining on state-owned aquatic lands without charging a fee or rent, and without first requiring the prospector to obtain a permit, lease, or other form of permission. The permission to access aquatic lands is limited to areas where the state owns both the surface and mineral rights.

A person may engage in recreational mineral prospecting and mining without obtaining hydraulics approval from the DFW. Compliance with the Gold and Fish pamphlet is still required for recreational mining that does not satisfy the definition of recreational mineral prospecting and mining .

Recreational mineral prospecting and mining is defined as those who only use pans, non-motorized sluice boxes, concentrators, and rocker boxes with a riffle area smaller than ten square feet for the discovery and recovery of minerals. Non-motorized equipment includes equipment that does not rely on an internal combustion engine, including battery-operated equipment.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.