

SENATE BILL REPORT

SB 6343

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, February 06, 2008

Title: An act relating to small scale prospecting and mining.

Brief Description: Authorizing small scale prospecting and mining in certain areas.

Sponsors: Senators Morton, Carrell and Roach.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/21/08, 2/6/08 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Substitute Senate Bill No. 6343 be substituted therefor, and the substitute bill do pass.

Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton, Ranking Minority Member; Rockefeller, Spanel, Stevens and Swecker.

Staff: Sherry McNamara (786-7402)

Background: In 1967, the Legislature established the Seashore Conservation Area (Seashore) dedicating the public beaches on the Pacific Ocean to public recreation. The State Parks and Recreation Commission (Commission) is authorized to oversee the Seashore under principles established in statute.

The Washington Department of Fish and Wildlife (WDFW) manages fish and wildlife populations to preserve species and provide recreational and commercial fishing and hunting opportunities. Within the Seashore, the WDFW is specifically authorized to regulate the conservation or taking of fish and shellfish.

Under the current statute small scale prospecting and mining does not require a hydraulic permit (HPA), if the prospecting is conducted in accordance with rules adopted by WDFW. Small scale prospecting and mining means the use of pans, nonmotorized sluice boxes, concentrators, and minirocker boxes for the discovery and recovery of minerals. The rules are published in the Gold and Fish Pamphlet, which serves as the HPA.

In addition, under current law, anyone removing natural objects from State Park Land, without rules allowing otherwise, would be guilty of a misdemeanor.

Summary of Bill (Recommended Substitute): The Commission and WDFW must establish a pilot program to allow small scale prospecting and mining on at least three demonstration

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areas within the Washington state Seashore Conservation Area. The pilot program must be conducted from July 1, 2008 through July 1, 2010. DFW must issue individual hydraulic project approval permits that require small scale prospecting and mining activities to occur to the greatest extent possible on the beach. DFW must report its findings and recommendations regarding small scale prospecting and mining to the Commission by October 1, 2010. The Commission and DFW must report their findings and recommendations on the potential impacts and the activity of small scale prospecting and mining on ocean beaches to the Legislature by December 1, 2010. The act expires on December 1, 2010.

EFFECT OF CHANGES MADE BY Natural Resources, Ocean & Recreation COMMITTEE (Recommended Substitute): Requires the Commission and DFW to conduct a pilot program to allow small scale mining and prospecting on ocean beaches from July 1, 2008 through July 1, 2010. The Commission, in consultation with DFW must establish at least three appropriate areas within the Seashore Conservation Area for small scale mining activities. DFW must issue individual hydraulic project approval permits. DFW must monitor the compliance of small scale mining activities with the permits issued for participation in the pilot program. By October 1, 2010, DFW must report its findings and recommendations on small scale mining to the Commission. The Commission and DFW must report to the Legislature by December 1, 2010 their findings and recommendations on the potential impacts and the activity of small scale mining on ocean beaches. The act expires December 1, 2010.

Appropriation: None.

Fiscal Note: Requested on January 16, 2008.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: The total amount of volume being removed from the beach is very small for this type of gold prospecting. The volume is a little over three buckets of sand being removed at one time from the beach. The number of permits issued can be changed from up to 100 per year to any level that would seem appropriate, and the number of beach areas can be adjusted accordingly. The ability to also remove toxic material such as mercury is very beneficial for our environment. Beach mining was lost to gold prospectors during the 1980s. For years, starting in the 1880s, mining gold on our state beaches was part of our early history. In the 1980s gold mining and prospecting was prohibited without a State Environmental Protection Act checklist and analysis. This bill would allow gold mining on Washington state beaches similar to the activity that is currently occurring in Alaska, California, and Oregon.

CON: The Commission is the custodian of the 65 miles of the Seashore Conservation area. We are opposed to opening up our beaches for the first time for the extraction of nonrenewable resources in State Parks. There is mining and prospecting already available in the interior area of our state. The removal of sand at the amount allowed in this bill for this mining process could be as much as 375 dump trucks. The existing statute does allow for removal of sand for cranberry growers. The Commission has not had a number of requests for the taking of sand in the past few years.

OTHER: Section 4 of the bill is not necessary. The amount of material removed depends on the type of equipment being used for prospecting and mining, which is covered in the Gold and Fish Pamphlet. There is a potential for impacts on our beaches and we would recommend a study be added to the bill for this purpose.

Persons Testifying: PRO: Senator Morton, prime sponsor; Senator Carrell; Bruce and Betty Beatty, Harley Edwards, Barbara Kovacs, citizens; Mark Erickson, Resources Coalition.

CON: Fred Romero, Lisa Lantz, State Parks and Recreation Commission.

OTHER: Peter Birch, WDFW; Fran McNair, Department of Natural Resources.