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**SUBSTITUTE SENATE BILL 6343**

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**State of Washington**

**60th Legislature**

**2008 Regular Session**

**By** Senate Natural Resources, Ocean & Recreation (originally sponsored by Senators Morton, Carrell, and Roach)

READ FIRST TIME 02/07/08.

1 AN ACT Relating to establishing a pilot program to examine the  
2 impacts of small scale mineral prospecting on coastal areas; amending  
3 RCW 79A.05.165; creating a new section; and providing an expiration  
4 date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) Beginning July 1, 2008, the state parks  
7 and recreation commission and the department of fish and wildlife shall  
8 establish a pilot program to allow small scale prospecting and mining,  
9 as defined in RCW 77.55.011, on ocean beaches. The pilot program must  
10 be conducted from July 1, 2008, through July 1, 2010.

11 (2) The state parks and recreation commission, in consultation with  
12 the department of fish and wildlife, shall establish at least three  
13 demonstration areas in appropriate beach areas in the Washington state  
14 seashore conservation area established for recreational use and  
15 enjoyment of the public by RCW 79A.05.605. The demonstration areas  
16 must be located between the southern border of Cape Disappointment  
17 state park and the southern border of the Quinault Indian reservation,  
18 and must allow small scale mineral prospecting for purposes of the  
19 pilot program. Each demonstration area must be:

1 (a) Located in separate areas along the coast;

2 (b) Located in an area suitable for small scale prospecting as  
3 determined by the state parks and recreation commission in consultation  
4 with persons interested in small scale prospecting and mining; and

5 (c) Located in areas having minimal potential for damage to the  
6 beach environment, birds, shellfish, other beach marine life, fish  
7 habitat, and other recreational use.

8 (3) The department of fish and wildlife shall use existing  
9 authority under chapter 77.55 RCW to issue individual hydraulic project  
10 approval permits for small scale prospecting within the demonstration  
11 areas established under subsection (2) of this section. The permits  
12 must require that small scale prospecting and mining activities occur,  
13 to the greatest extent possible, on the beach to minimize the removal  
14 of sand from the area.

15 (4) The department of fish and wildlife shall monitor the  
16 compliance of small scale prospecting and mining activities with the  
17 permits issued for participation in the pilot program.

18 (5) By October 1, 2010, the department of fish and wildlife shall  
19 report its findings and recommendations regarding small scale  
20 prospecting and mining on ocean beaches to the state parks and  
21 recreation commission. The department of fish and wildlife shall  
22 consider public input prior to finalizing their findings and  
23 recommendations.

24 (6) The state parks and recreation commission and the department of  
25 fish and wildlife shall report their findings and recommendations on  
26 the potential impacts and the activity of small scale prospecting and  
27 mining on ocean beaches to the appropriate committees of the  
28 legislature by December 1, 2010.

29 **Sec. 2.** RCW 79A.05.165 and 2007 c 441 s 2 are each amended to read  
30 as follows:

31 (1) Every person is guilty of a misdemeanor who:

32 (a) Cuts, breaks, injures, destroys, takes, or removes any tree,  
33 shrub, timber, plant, or natural object in any park or parkway except  
34 as authorized in section 1 of this act or in accordance with such rules  
35 as the commission may prescribe; or

36 (b) Kills, or pursues with intent to kill, any bird or animal in

1 any park or parkway except in accordance with a research pass, permit,  
2 or other approval issued by the commission, pursuant to rule, for  
3 scientific research purposes; or

4 (c) Takes any fish from the waters of any park or parkway, except  
5 in conformity with such general rules as the commission may prescribe;  
6 or

7 (d) Willfully mutilates, injures, defaces, or destroys any  
8 guidepost, notice, tablet, fence, inclosure, or work for the protection  
9 or ornamentation of any park or parkway; or

10 (e) Lights any fire upon any park or parkway, except in such places  
11 as the commission has authorized, or willfully or carelessly permits  
12 any fire which he or she has lighted or which is under his or her  
13 charge, to spread or extend to or burn any of the shrubbery, trees,  
14 timber, ornaments, or improvements upon any park or parkway, or leaves  
15 any campfire which he or she has lighted or which has been left in his  
16 or her charge, unattended by a competent person, without extinguishing  
17 it; or

18 (f) Places within any park or parkway or affixes to any object  
19 therein contained, without a written license from the commission, any  
20 word, character, or device designed to advertise any business,  
21 profession, article, thing, exhibition, matter, or event.

22 (2)(a) Except as provided in (b) of this subsection, a person who  
23 violates any rule adopted, promulgated, or issued by the commission  
24 pursuant to the provisions of this chapter is guilty of a misdemeanor.

25 (b) The commission may specify by rule, when not inconsistent with  
26 applicable statutes, that violation of the rule is an infraction under  
27 chapter 7.84 RCW.

28 NEW SECTION. **Sec. 3.** This act expires December 1, 2010.

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