

HOUSE BILL REPORT

HB 2600

As Reported by House Committee On:
Agriculture & Natural Resources
General Government Appropriations & Oversight

Title: An act relating to permitting recreation rock collecting subject to certain restrictions.

Brief Description: Permitting recreation rock collecting, subject to certain restrictions.

Sponsors: Representatives Bailey, Blake, Chandler, Kelley, Goodman, Anderson and Reykdal.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/27/12, 1/31/12 [DPS];

General Government Appropriations & Oversight: 2/2/12, 2/3/12 [DP2S(w/o sub AGNR)].

Brief Summary of Second Substitute Bill

- Establishes identical policies for nonpermitted, recreational rock and petrified wood collecting on land managed by the three primary land managing agencies.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Blake, Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Dunshee, Finn, Hinkle, Kretz, Lytton, Orcutt, Pettigrew and Van De Wege.

Staff: Jason Callahan (786-7117).

Background:

The act of rock and mineral collecting is limited but allowed on most public lands managed by the state. The three primary managers of recreational lands in the state are the Parks and Recreation Commission (State Parks), the Department of Natural Resources (DNR), and the

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Department of Fish and Wildlife (DFW). Each of the three agencies has slightly different rock collecting policies.

The DNR and the DFW limit rock collecting through administrative actions based on their general administrative authority to limit acts on the land managed by the agencies. The rule applicable to the DFW simply states that it is unlawful to remove petrified wood, minerals, and fossils from the DFW land unless a permit is granted from the DFW. The DNR has a similar rule; however, they make violation of the DNR rule a criminal misdemeanor. In contrast to the DNR and the DFW, State Parks has a statute governing rock collection at parks. Under that statute, it is a misdemeanor to take "any tree, shrub, timber, plant, or *natural object* in any state park."

Summary of Substitute Bill:

Rock, mineral, and petrified wood collection policies are established for lands managed by the Department of Natural Resources (DNR). Under the policy, certain rock, mineral, and petrified wood collecting is allowed without prior authorization or permitting. Nonpermitted rock, mineral, and petrified wood collecting is to be allowed as long as the collection is for personal use, only hand tools are used in the collection process, and the collection is limited to no more than 25 pounds per day or 250 pounds per year.

Any other rock collection still must be permitted by the DNR. The DNR is permitted to close certain sensitive areas to rock collection and any rock extraction areas such as quarries and stockpiles for road maintenance. Active mining claim sites remain closed to recreational rock, mineral, and petrified wood collection and the DNR may condition rock, mineral, and petrified wood collection so as to not interfere with the DNR's trust management responsibilities or concerns about the ownership of the underlying mineral rights.

Substitute Bill Compared to Original Bill:

The substitute bill:

- limits the effect of the bill to lands managed by the Department of Natural Resources;
- lowers the rock collection limits to 25 pounds a day and 250 pounds a year;
- specifies that rock collection cannot occur in water absent a hydraulic project approval; and
- allows lands to be closed to rock collection if collection would interfere with trust responsibilities or the owners of underlying mineral rights.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available. New fiscal note requested on January 31, 2012.

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

Staff Summary of Public Testimony:

(In support) Rock collection enthusiasts can only pursue their chosen recreation if they have lands that are accessible. Unfortunately, many state land management policies do not make recreational rock collecting easy for the enthusiast. Each state agency has different rock collection rules and those are all different from the federal government. A consistent state policy would allow for consistent enforcement and a better understanding for the public of what is, and what is not, allowed. A restriction on rock collection is inconsistent with the agency of the land managing state agencies.

Rock collecting is a hobby enjoyed by entire families and is an educational experience for school children who participate in the Boy Scouts of America. Rock collecting families will all purchase Discover Passes to enable them to access state lands, which is extra revenue to the state. The sole purpose of rock collecting is to take otherwise worthless rocks and make them into art.

Rock collection enthusiasts spend many dollars in local communities. If Washington makes it difficult to enjoy the hobby, then people will take their discretionary income to other states.

(Opposed) The scope of the bill is too broad and allowing unfettered rock collection could impair the Department of Natural Resources' ability to manage its trust responsibilities. The intent is laudable but the bill is too broad and lacks sufficient protections for state parks and other public resources. There are also no guarantees that only well-meaning people will utilize this privilege. State parks are intended to be preserved for the general public and therefore should be considered similar to national parks and not the Bureau of Land Management lands.

The state does not own the mineral rights on many of the lands it manages and it is concerned with resource damages to all lands that it manages. Rock collection may be an ineligible activity on lands that were acquired under certain grant programs. The protection of cultural resources is a primary concern and the state needs to consult with federal and tribal interests before allowing access to those resources.

People need to remember that we are the stewards of land and not the managers of land. Rock collection is an unsustainable and nonrenewable activity. Enforcement will be difficult because there are no penalties for violations and enforcement officers cannot weigh rocks in the field.

Persons Testifying: (In support) Representative Bailey, prime sponsor; Brian Waters, Washington State Mineral Council; James C. Keffer, Puget Sound Knappers; and Christina Morrissey, Marysville Rock and Gem Club.

(Opposed) Jim King, Citizen's Parks and Recreation; Jennifer Quan, Department of Fish and Wildlife; Cullen Stevenson, Department of Natural Resources; Yoshe Revelle; and Lisa Lantz, Washington State Parks.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS & OVERSIGHT

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Natural Resources. Signed by 13 members: Representatives Hudgins, Chair; Miloscia, Vice Chair; Moscoso, Vice Chair; McCune, Ranking Minority Member; Taylor, Assistant Ranking Minority Member; Ahern, Armstrong, Blake, Fitzgibbon, Ladenburg, Pedersen, Van De Wege and Wilcox.

Staff: Wendy Polzin (786-7137).

Summary of Recommendation of Committee On General Government Appropriations & Oversight Compared to Recommendation of Committee On Agriculture & Natural Resources:

The substitute bill adds a null and void clause if specific funding is not provided by June 30, 2012.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) None.

(With concerns) The bill's intent is to draw an analogy between state trust lands and the Bureau of Land Management lands, but there is a distinction. The Department of Natural Resources generates over \$200 million in tax free revenue for trust beneficiaries each year, which is why we need to closely consider the impacts. There is already statute that authorizes the collecting of rocks on our lands and there is a WAC and permit fee associated with it. The problem with implementing the statute has been a lack of resources over time. One of the things we have an obligation to do is not allow the collection of artifacts. Conducting surveys to identify artifacts is expensive, and the current system of survey and maps is not comprehensive. We would need to do surveys on 3.1 million acres of land to ensure no improper taking of essential resources from the state or its beneficiaries. We need more time to work with proponents. Language needs to be inserted that will protect areas with cultural resources present on the property.

(Opposed) None.

Persons Testifying: Heath Packard, Department of Natural Resources; and Dawn Vyvyan, Yakama Nation.

Persons Signed In To Testify But Not Testifying: None.