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**Agriculture & Natural Resources  
Committee**

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**HB 1162**

**Brief Description:** Concerning motorized mineral prospecting.

**Sponsors:** Representatives Tarleton, Pollet, Moeller, Hudgins, Orwall, S. Hunt, Morris, Gregerson, Jinkins and Ryu.

**Brief Summary of Bill**

- Requires the Department of Fish and Wildlife to conduct a study that evaluates both the acute and cumulative effects of motorized mineral prospecting on native fish species and related habitat.
- Excludes motorized mineral prospecting from the scope of the Gold and Fish Pamphlet, and from rivers where fishing is prohibited, for a period of time.

**Hearing Date:** 2/12/15

**Staff:** Jason Callahan (786-7117).

**Background:**

Hydraulic Project Approvals.

A person must obtain a hydraulic project approval (HPA) prior to commencing any construction project that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. Hydraulic project approvals are issued by the Washington Department of Fish and Wildlife (WDFW) to ensure the proper protection of fish life. To receive a HPA, the applicant must provide certain information to the WDFW. This information includes general plans for the overall project and complete plans for the proper protection of fish life.

Until June 30, 2017, most applicants for a HPA are required to pay a \$150 application fee. Exemptions to the fee are provided to projects located above the ordinary high water line,

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pamphlet HPAs, all HPAs processed under an applicant-funded project, all HPAs related to forest practices or mineral prospecting, and all HPAs occurring on farm or agricultural land. The collected fees are retained by the WDFW for use in implementing the HPA program.

#### Gold and Fish Pamphlet.

Small scale prospecting and mining activities are not required to be permitted by the WDFW with an individual HPA. Instead, the WDFW maintains rules for small scale prospecting and mining which are published in the "Gold and Fish Pamphlet." These rules describe small scale prospecting and mining activities that may be lawfully engaged in as long as the terms of the Gold and Fish Pamphlet are complied with.

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

#### **Summary of Bill:**

##### Required Study.

The WDFW is required to conduct a study that evaluates both the acute and cumulative effects of motorized mineral prospecting on native fish species and related habitat. The study may be conducted by the WDFW directly or contracted out to a college or university. The study must begin with a comprehensive review of relevant scientific literature to identify any information gaps, decide if new data collection is needed, and to help focus any additional new data collection. The WDFW may collect new data if the literature reveals reveals that new data collection is warranted.

##### Work Group.

The WDFW must convene a work group related to motorized mineral prospecting. The work group members must be appointed by the Director of the WDFW(Director), who must strive to create a work group composition that provides technical expertise and a diversity of perspectives. There is a non-inclusive list of entities that the Director is required to invite for participation. These include state agencies, federal agencies, tribal nations, mineral prospectors, and conservation and recreation interests.

The work group is empowered to analyze the results of the literature review, help guide the initiation of any new data collection, receive other related information, and formulate recommendations regarding the proper level of regulation or governmental oversight of motorized mineral prospecting. By October 21, 2016, the work group must provide formal recommendations to the Legislature as to whether policy reforms related to motorized mineral prospecting are warranted. In formulating its recommendations, the work group may consider any sources of information deemed relevant by the work group, including the results of the WDFW's study and testimony received by the work group from scientists and other experts.

#### Gold and Fish Pamphlet.

The provisions of the Gold and Fish Pamphlet are not applicable to motorized mineral prospecting activities occurring within the wetter perimeter of a river until the required study and work group report is required to be completed (October 31, 2016). After that date, the WDFW may allow motorized mineral prospecting activities to occur under the provisions of the Gold and Fish Pamphlet if the WDFW finds that motorized mineral prospecting has no significant negative effect on native fish species and their related critical habitat. Motorized mineral prospecting activities are also prohibited, until October 31, 2016, in any segment of river where all fishing is prohibited. This prohibition may also be lifted by the WDFW upon a finding of no significant negative effects.

Motorized mineral prospecting activities are still allowed in rivers not closed to fishing during the time periods when the activities are excluded from the scope of the Gold and Fish Pamphlet; however, those activities must first obtain an individual HPA permit from the WDFW and pay the \$150 HPA application fee.

**Appropriation:** None.

**Fiscal Note:** Available.

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