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**Agriculture & Natural Resources  
Committee**

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**HB 2467**

**Brief Description:** Establishing licensing of recreational motorized mineral prospecting in Washington state streams and rivers equivalent to the licensing of recreational fishing.

**Sponsors:** Representatives Tarleton, Lytton, Pollet, McBride, Morris, Reykdal, Bergquist, Walkinshaw and Peterson.

**Brief Summary of Bill**

- Requires that all participants in recreational motorized prospecting obtain a permit from the Washington Department of Fish and Wildlife.
- Prohibits recreational motorized prospecting from occurring in rivers or streams closed to recreational fishing or subject to a selective gear requirement.
- Requires a study to be completed that evaluates both the acute and cumulative effects of motorized mineral prospecting on native fish species and related habitat.

**Hearing Date:** 1/27/16

**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

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the fee are provided to projects located above the ordinary high water line, 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:**

#### Licensing of Recreational Motorized Prospecting.

A new licensure requirement is created for recreational motorized prospecting. All participants over the age of 14 are required to purchase a recreational motorized prospecting license (license) in order to participate in the activity in state or offshore waters.

The WDFW must develop the license in a manner that is similar to the licensing system for recreational fishing. The fee for the license must be set to an amount equal to the fee for a combination freshwater and saltwater fishing license (currently set at \$45 for residents and \$105 for non-residents). The standard discounts for individuals with disabilities that applies to fishing licenses also applies to the new license. If an area of the state requires a special endorsement for recreational fishing, then the WDFW must require a similar special endorsement for recreational motorized prospecting. The fee for any special endorsements must be set at the fee amount for fishing in the same area.

The WDFW must also create and require a recreational motorized prospecting record card, similar to the catch record card required for recreational fishing, which requires the license holder to self-report the dates and location of all recreational motorized prospecting activities. This information may include specific locations within streams and include tributaries.

#### Recreational Motorized Prospecting Access.

All recreational motorized prospecting activities must be limited to the seasons established by the WDFW in the Gold and Fish Pamphlet. In addition, the WDFW must prohibit, by rule, recreational motorized and non-motorized prospecting in any stream or river that is subject to a selective fishing requirement or closure by the WDFW.

#### 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 help focus any additional new data collection.

The WDFW may collect new data if the literature reveals that new data collection is warranted. The scoping and design of any new studies must be completed with the assistance of a work group. 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 31, 2017, 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.

**Appropriation:** None.

**Fiscal Note:** Available.

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