

# HOUSE BILL REPORT

## HB 1565

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**As Reported By House Committee On:**  
Natural Resources

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

**Brief Description:** Exempting small scale mining from the requirement of obtaining a hydraulic permit.

**Sponsors:** Representatives Mielke, Pennington, Carrell, Mulliken, Thompson and Cairnes.

**Brief History:**

**Committee Activity:**

Natural Resources: 2/18/97, 3/4/97 [DPS].

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### HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Buck, Chairman; Sump, Vice Chairman; Thompson, Vice Chairman; Regala, Ranking Minority Member; Butler, Assistant Ranking Minority Member; Alexander; Anderson; Chandler; Hatfield; Pennington and Sheldon.

**Staff:** Rick Anderson (786-7114).

**Background:** The Department of Fish and Wildlife is authorized to regulate mining activities within the high watermark of streams, rivers, and other water bodies of the state through the hydraulic permit approval (HPA) process. The Department publishes a Gold and Fish– pamphlet that describes when, where, and how gold mining can take place. A written HPA permit is not required for persons who pan for gold using hand tools, including panning, mini-rocker boxes, and certain non-motorized sluice boxes if the provisions in the Gold and Fish pamphlet are followed. Gold mining using motorized sluice boxes and dredging require a written HPA permit. Current regulations allow a 1.5 inch nozzle for motorized sluicing operations and 2.5 to 8 inch nozzles for dredging operations, depending on the river or stream being mined.

The department issues HPA permits for a number of activities not related to gold mining. In practice, the department issues several types of HPA permits, including

emergency permits, expedited permits, and standard permits. Standard permits must be issued within 45 days of receiving a complete application and generally require an environmental analysis under the State Environmental Policy Act (SEPA).

**Summary of Substitute Bill:** By December 31, 1998, the Department of Fish and Wildlife is directed to adopt a rule, in conjunction with the small scale prospecting community and other interested parties, to regulate small scale prospecting activities. Within two months of rule adoption, the department must update and distribute a revised gold and fish pamphlet.

Small-scale mineral prospecting activities using specified hand tools and non-motorized equipment do not require a written HPA permit if the provisions of the department's gold and fish pamphlet are followed. A written HPA permit is required for activities using certain motorized equipment and for dredging equipment with a suction nozzle with a diameter of four inches or less. These written HPA permits do not require an environmental analysis under SEPA, must use the provisions of the gold and fish pamphlet to minimize specific written permit conditions, and must be issued within 30 days. Prospecting activities using dredging equipment with a suction nozzle greater than four inches is subject to a standard written HPA permit.

**Substitute Bill Compared to Original Bill:** The original bill exempted small scale mineral prospecting activities from all HPA permit requirements, except activities using dredging equipment with suction nozzles greater than 8 inches. Persons using this equipment were also exempt from HPA equipment if the dredging was not conducted when fish were spawning. The substitute bill requires all small scale prospecting activities to be regulated and specifies the level of regulation for each type of prospecting activity.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The small-scale prospecting community has too little access to rivers and streams. Small-scale prospecting does not harm fish habitat and can improve fish habitat. Gold does not drop out of the current in slow-moving water; fish spawn in areas where there is current. Dredging equipment moves very little material as compared to natural events. This bill will improve access. Small scale prospecting is a family activity that should be encouraged, not discouraged. Current regulations are not based on sound science. A 1995 proposal by the department would have further restricted the prospecting community's access to rivers and streams.

**Testimony Against:** Current regulations allow many prospecting activities to occur without requiring notice to the department or a written permit. Regulations are based on science and are necessary to protect fish life and fish habitat. The gold and fish pamphlet can be revised to improve access by small scale prospecting community while still protecting fish life and habitat. The bill would not require any notice to the department and as a consequence will very likely endanger fish habitat.

**Testified:** Representative Thomas Mielke, prime sponsor; Mike Alberg, Kittitas County Planning Commission; Michael G. Dunican, Boeing Employees Prospecting Society, Washington Prospectors, and Washington Alliance of Miners and Prospectors, GPAA; David L. Rutan, Northwest Mining Prospectors and Washington Prospecting & Mining Adhoc Committee; Dan H. Johnson, Charles Cox, and David Hoff, Washington Prospectors; Joe Williams, Northwest Gold & Gem Prospectors (all in favor); Millard S. Deussen, Washington Department of Fish and Wildlife; Greg Stewart, Rivers Council of Washington (both against); and Dawn Vyvyan, Yakama Indian Nation (con w/concerns).