
SENATE BILL 6343

State of Washington 60th Legislature 2008 Regular Session

By Senators Morton, Carrell, and Roach

Read first time 01/15/08. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to small scale prospecting and mining; and amending
2 RCW 79A.05.625, 79A.05.630, 79A.05.165, and 77.55.091.

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

4 **Sec. 1.** RCW 79A.05.625 and 2000 c 11 s 49 are each amended to read
5 as follows:

6 Nothing in RCW 79A.05.600 through 79A.05.630 and 79A.05.635 through
7 79A.05.695 shall be construed to interfere with the powers, duties and
8 authority of the department of fish and wildlife to regulate the
9 conservation or taking of food fish and shellfish or the regulation of
10 small scale prospecting and mining as defined in RCW 77.55.011. Nor
11 shall anything in RCW 79A.05.600 through 79A.05.630 and 79A.05.635
12 through 79A.05.695 be construed to interfere with the powers, duties
13 and authority of the department of fish and wildlife to regulate,
14 manage, conserve, and provide for the harvest of wildlife within such
15 area: PROVIDED, HOWEVER, That no hunting shall be permitted in any
16 state park.

17 **Sec. 2.** RCW 79A.05.630 and 2000 c 11 s 50 are each amended to read
18 as follows:

1 (1) Lands within the Seashore Conservation Area shall not be sold,
2 leased, or otherwise disposed of, except as herein provided.

3 (2) The commission may, under authority granted in RCW 79A.05.175
4 and 79A.05.180, exchange state park lands in the Seashore Conservation
5 Area for lands of equal value to be managed by the commission
6 consistent with this chapter. Only state park lands lying east of the
7 Seashore Conservation Line, as it is located at the time of exchange,
8 may be so exchanged.

9 (3) The department of natural resources may lease the lands within
10 the Washington State Seashore Conservation Area as well as the accreted
11 lands along the ocean in state ownership for the exploration and
12 production of oil and gas: PROVIDED, That oil drilling rigs and
13 equipment will not be placed on the Seashore Conservation Area or
14 state-owned accreted lands.

15 (4) Sale of sand from accretions shall be made to supply the needs
16 of cranberry growers for cranberry bogs in the vicinity and shall not
17 be prohibited if found by the commission to be reasonable, and not
18 generally harmful or destructive to the character of the land(~~(+~~
19 ~~PROVIDED, That~~)).

20 (5) The commission may grant leases and permits for the removal of
21 sands for construction purposes from any lands within the Seashore
22 Conservation Area if found by the commission to be reasonable and not
23 generally harmful or destructive to the character of the land(~~(+~~
24 ~~PROVIDED FURTHER, That~~)). The net income from such leases shall be
25 deposited in the state parks renewal and stewardship account.

26 (6)(a) The commission shall grant up to one hundred permits
27 annually for small scale prospecting and mining, as defined in RCW
28 77.55.011, for the removal of gold from at least six appropriate beach
29 areas within the Seashore Conservation Area. The permits must allow
30 for the removal of up to three cubic feet of sand per day per person.

31 (b) The commission, in conjunction with the department of ecology,
32 must provide information to permit holders regarding the proper
33 disposal of sand containing mercury. A person who removes sand that
34 contains mercury is required to follow proper disposal requirements.

35 (c) The department of ecology must report to the legislature by
36 December 1, 2009, regarding the amount of mercury recovered as a result
37 of small scale prospecting and mining under this subsection.

1 **Sec. 3.** RCW 79A.05.165 and 2007 c 441 s 2 are each amended to read
2 as follows:

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

4 (a) Cuts, breaks, injures, destroys, takes, or removes any tree,
5 shrub, timber, plant, or natural object in any park or parkway except
6 as it relates to RCW 79A.05.630(6) and in accordance with such rules as
7 the commission may prescribe; or

8 (b) Kills, or pursues with intent to kill, any bird or animal in
9 any park or parkway except in accordance with a research pass, permit,
10 or other approval issued by the commission, pursuant to rule, for
11 scientific research purposes; or

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

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

18 (e) Lights any fire upon any park or parkway, except in such places
19 as the commission has authorized, or willfully or carelessly permits
20 any fire which he or she has lighted or which is under his or her
21 charge, to spread or extend to or burn any of the shrubbery, trees,
22 timber, ornaments, or improvements upon any park or parkway, or leaves
23 any campfire which he or she has lighted or which has been left in his
24 or her charge, unattended by a competent person, without extinguishing
25 it; or

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

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

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

36 **Sec. 4.** RCW 77.55.091 and 2005 c 146 s 402 are each amended to
37 read as follows:

1 (1) Small scale prospecting and mining shall not require a permit
2 under this chapter if the prospecting is conducted in accordance with
3 rules established by the department.

4 (2) By December 31, (~~1998~~) 2009, the department shall adopt rules
5 applicable to small scale prospecting and mining activities subject to
6 this section and RCW 79A.05.630(6). The department shall develop the
7 rules in cooperation with the recreational mining community and other
8 interested parties.

9 (3) Within two months of adoption of the rules, the department
10 shall distribute an updated gold and fish pamphlet that describes
11 methods of mineral prospecting that are consistent with the
12 department's rule. The pamphlet shall be written to clearly indicate
13 the prospecting methods that require a permit under this chapter and
14 the prospecting methods that require compliance with the pamphlet. To
15 the extent possible, the department shall use the provisions of the
16 gold and fish pamphlet to minimize the number of specific provisions of
17 a written permit issued under this chapter.

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