

# HOUSE BILL REPORT

## HB 2588

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**As Reported by House Committee On:**  
Natural Resources, Ecology & Parks

**Title:** An act relating to beach mining.

**Brief Description:** Authorizing small scale prospecting and mining on certain beach areas.

**Sponsors:** Representatives Blake, Buck, Takko, Buri, Williams, Roach, Eickmeyer, Linville, Kessler, B. Sullivan and Campbell.

**Brief History:**

**Committee Activity:**

Natural Resources, Ecology & Parks: 1/24/06, 1/31/06 [DPS].

**Brief Summary of Substitute Bill**

- Authorizes a two-year pilot program evaluating small scale prospecting and mining in appropriate beach areas.
- Directs the Department of Fish and Wildlife to evaluate the impacts of small scale mining on the beach ecology and report findings and recommendations to the State Parks and Recreation Commission and the Legislature.

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### HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives B. Sullivan, Chair; Upthegrove, Vice Chair; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake, Chandler, Dickerson, Eickmeyer, Kagi and Orcutt.

**Minority Report:** Do not pass. Signed by 1 member: Representative Hunt.

**Staff:** Jeff Olsen (786-7157).

**Background:**

The Seashore Conservation Area (Seashore) was established in 1967, dedicating the public beaches on the Pacific Ocean to public recreation. The State Parks and Recreation Commission (Commission) is authorized to oversee the Seashore under principles established in statute. Except for specific authorized purposes, lands within the Seashore may not be sold or leased.

The Washington Department of Fish and Wildlife (WDFW) manages fish and wildlife populations to preserve species and provide recreational and commercial fishing and hunting opportunities. Within the Seashore, the WDFW is specifically authorized to regulate the conservation or taking of fish and shellfish.

A person must obtain a hydraulic permit before beginning construction on any 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 permits are issued by the WDFW to ensure the proper protection of fish life. The bed of state waters is defined in the Hydraulic Code as land below the ordinary high water line of state waters.

Under the Hydraulic Code, the WDFW must develop rules for small scale prospecting and mining without requiring a hydraulic permit. Small scale prospecting and mining means the use of pans, nonmotorized sluice boxes, concentrators, and minirocker boxes for the discovery and recovery of minerals. The rules, published in the Gold and Fish Pamphlet, describe allowable small scale prospecting and mining activities and activities that require a hydraulic permit.

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**Summary of Substitute Bill:**

The Commission and the WDFW must establish a two-year pilot program beginning July 1, 2006, to evaluate the impacts of small scale prospecting and mining on ocean beaches. The Commission, in consultation with the WDFW, shall establish two demonstration areas in appropriate beach areas in the Seashore for purposes of the pilot program.

The WDFW must monitor the impacts of small scale prospecting and mining activities on the beach ecology, including impacts to habitat, birds, shellfish, and other beach marine life. The Commission and the WDFW must report their findings and recommendations on the impacts of small scale prospecting and mining on ocean beaches to the appropriate committees of the Legislature by December 1, 2008.

**Substitute Bill Compared to Original Bill:**

The substitute bill removes the requirement for the Commission to issue permits for small scale prospecting and mining in the Seashore. The substitute bill removes the requirement for the WDFW to update the Gold and Fish Pamphlet to include beach mining by 2007. The substitute bill authorizes a two-year pilot program in two beach areas and directs the WDFW to evaluate the impacts on the beach ecology and report findings and recommendations to the Commission. The substitute bill directs the Commission and the WDFW to report findings and recommendations to the Legislature by December 1, 2008.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Small scale prospectors and miners approached the WDFW and the Commission regarding gaining access to certain beach areas for small scale mining. The miners did all the necessary paperwork to obtain permits, but the Commission did not approve the activity or a pilot. Panning for gold on the beach will have minimal impacts. The tools used are primarily shovels. It is no different than digging for clams or building a sand castle. Mining is an important part of our heritage and is a family activity. The beaches are for multiple uses and should be enjoyed by everyone.

**Testimony Against:** The Commission reviewed the proposal and decided not to allow the activity. The statutes for the Seashore state that areas shall be preserved and maintained. Small scale mining is incompatible with the Seashore and would disturb the beach. There is a conflict with other requirements prohibiting the removal of natural resources. There is also a public safety concern having large equipment on the beach. Parks should be maintained for future generations. There is not enough information known about the impacts on birds and habitat.

**Persons Testifying:** (In support) Representative Blake, prime sponsor; Nathaniel Nelson, Larry Lake, and Bruce Beatty, Bedrock Miners; Harley Edwards; Mark Erickson; Scott Atkinson, Northwest Mineral Prospecting Club; and Ronald Wilson, Resources Coalition.

(Opposed) Fred Romero and Ashley DeMoss, Washington State Parks and Recreation Commission; and Heath Packard, Audubon Society.

**Persons Signed In To Testify But Not Testifying:** None.