
**Agriculture & Natural Resources
Committee**

HB 1077

Brief Description: Establishing rules for motorized suction dredge mining in rivers and streams equal to other hydraulic projects by modifying a hydraulic project approval exemption.

Sponsors: Representatives Fitzgibbon, Pollet and McBride.

Brief Summary of Bill

- Limits the small scale prospecting exemption from the hydraulic project approval process to nonmotorized small scale prospecting and mining activities.
- Directs the Washington Department of Fish and Wildlife to adopt rules applicable to nonmotorized small scale prospecting and mining activities.

Hearing Date: 1/17/17

Staff: Robert Hatfield (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 an 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 an HPA are required to pay a \$150 application fee.

Certain activities are exempt from the application fee requirement. These include, for example, projects located above the ordinary high water line, certain noxious weed control projects,

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mineral prospecting and mining projects, HPAs related to forest practices hydraulic projects, and HPAs occurring on farm or agricultural land.

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 that are published in the "Gold and Fish Pamphlet." These rules describe small scale prospecting and mining activities that may be lawfully engaged in so long as the prospector complies with the terms of the Gold and Fish Pamphlet.

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

Summary of Bill:

The scope of prospecting activities that are exempt from the requirement to obtain an HPA is limited to nonmotorized small scale and mining activities. Therefore, motorized small scale prospecting and mining activities are required to obtain an HPA if the activity uses, diverts, obstructs, or changes the natural flow or bed of any of the salt or fresh waters of the state.

The WDFW is required by December 31, 2018, to adopt rules applicable to nonmotorized small scale prospecting and mining activities.

Nonmotorized small scale prospecting and mining is not subject to any fee under the hydraulic code.

Appropriation: None.

Fiscal Note: Available.

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