

# SENATE BILL REPORT

## SB 6149

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As Reported By Senate Committee On:  
Natural Resources, Energy & Water, January 28, 2004

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

**Brief Description:** Concerning small scale prospecting and mining.

**Sponsors:** Senators Doumit and Morton.

**Brief History:**

**Committee Activity:** Natural Resources, Energy & Water: 1/22/04, 1/28/04 [DPS].

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### SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

**Majority Report:** That Substitute Senate Bill No. 6149 be substituted therefor, and the substitute bill do pass.

Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Honeyford and Oke.

**Staff:** Vic Moon (786-7469)

**Background:** In the state of Washington, "small scale prospecting and mining" means only the use of pans, nonmotorized sluice boxes, concentrators and mini-rocker boxes for the purpose of recovery of minerals. No motorized devices are allowed. During 2003, there was some confusion over the permitting and land use policies established by state agencies. Persons engaged in small scale prospecting and mining are regulated differently from other mining activities and come under the regulation of a special hydraulic permit system called the "gold and fish pamphlet."

**Summary of Substitute Bill:** The Department of Fish and Wildlife, the Department of Natural Resources, and the Department of Ecology will work cooperatively with the small scale mining community to support educational meetings and demonstrations to encourage small scale mining activities. The departments must study gold panning and report to the 2005 Legislature. The departments must survey other state's regulation of gold panning as part of the study.

Small scale mining is exempt from the Department of Fish and Wildlife hydraulics law.

A person engaged in small scale prospecting on aquatic lands where both the surface and mineral rights are owned by the state does not first have to obtain a permit, lease or license or other form of permission from the Department of Natural Resources and cannot be charged a fee. The Department of Natural Resources must allow small scale prospecting and mining on aquatic lands where the surface and mineral rights are owned by the state. A person does not have to obtain a permit, lease, or license from the Department of Natural Resources, and no rent or fee may be charged.

**Substitute Bill Compared to Original Bill:** The substitute de-regulates small scale prospecting and mining by exempting this activity from the state's hydraulics act (RCW 77.55).

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** The use of hand held pans and small scale mining equipment has not impacted the environment and the Department of Fish and Wildlife's rules are far too restrictive. The Department of Natural Resources land use laws need to be clarified to ensure compatible public uses.

**Testimony Against:** None.

**Testified:** PRO: Peter Birch, Washington Department of Fish and Wildlife; Fran McNair, Department of Natural Resources; Mark Erickson, Resource Coalition; Candace J Christensen, Resources Coalition, Fat Chance Mining, Wash. Prosp.; Graham Willmore, self; Bruce Beatty, Bedrock Prospector, R. Coalition; Harley Edwards, Bedrock Prospectors; Greg Christensen, Resources Coalition; Dave Peeler, Department of Ecology.