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HOUSE BILL 2600

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State of Washington

62nd Legislature

2012 Regular Session

By Representatives Bailey, Blake, Chandler, Kelley, Goodman, Anderson, and Reykdal

Read first time 01/18/12. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to permitting recreation rock collecting subject to  
2 certain restrictions; amending RCW 43.30.020 and 79A.05.010; reenacting  
3 and amending RCW 77.08.010; adding a new section to chapter 77.12 RCW;  
4 adding a new section to chapter 43.30 RCW; adding a new section to  
5 chapter 79A.05 RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** Recreational rock collecting in reasonable  
8 quantities for hobby use is a permitted activity on public land  
9 administered by the United States bureau of land management subject to  
10 certain restrictions. The legislature intends that Washington law  
11 reflect the allowances for this recreational activity on state lands  
12 managed by the following agencies: The department of fish and  
13 wildlife, the department of natural resources, and the state parks and  
14 recreation commission.

15 **Sec. 2.** RCW 77.08.010 and 2011 c 324 s 3 are each reenacted and  
16 amended to read as follows:

17 The definitions in this section apply throughout this title or

1 rules adopted under this title unless the context clearly requires  
2 otherwise.

3 (1) "Angling gear" means a line attached to a rod and reel capable  
4 of being held in hand while landing the fish or a hand-held line  
5 operated without rod or reel.

6 (2) "Aquatic invasive species" means any invasive, prohibited,  
7 regulated, unregulated, or unlisted aquatic animal or plant species as  
8 defined under subsections (3), (28), (40), (44), (60), and (61) of this  
9 section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c),  
10 and aquatic nuisance species as defined under RCW 77.60.130(1).

11 (3) "Aquatic plant species" means an emergent, submersed, partially  
12 submersed, free-floating, or floating-leaving plant species that grows  
13 in or near a body of water or wetland.

14 (4) "Bag limit" means the maximum number of game animals, game  
15 birds, or game fish which may be taken, caught, killed, or possessed by  
16 a person, as specified by rule of the commission for a particular  
17 period of time, or as to size, sex, or species.

18 (5) "Closed area" means a place where the hunting of some or all  
19 species of wild animals or wild birds is prohibited.

20 (6) "Closed season" means all times, manners of taking, and places  
21 or waters other than those established by rule of the commission as an  
22 open season. "Closed season" also means all hunting, fishing, taking,  
23 or possession of game animals, game birds, game fish, food fish, or  
24 shellfish that do not conform to the special restrictions or physical  
25 descriptions established by rule of the commission as an open season or  
26 that have not otherwise been deemed legal to hunt, fish, take, harvest,  
27 or possess by rule of the commission as an open season.

28 (7) "Closed waters" means all or part of a lake, river, stream, or  
29 other body of water, where fishing or harvesting is prohibited.

30 (8) "Commercial" means related to or connected with buying,  
31 selling, or bartering.

32 (9) "Commission" means the state fish and wildlife commission.

33 (10) "Concurrent waters of the Columbia river" means those waters  
34 of the Columbia river that coincide with the Washington-Oregon state  
35 boundary.

36 (11) "Contraband" means any property that is unlawful to produce or  
37 possess.

1 (12) "Deleterious exotic wildlife" means species of the animal  
2 kingdom not native to Washington and designated as dangerous to the  
3 environment or wildlife of the state.

4 (13) "Department" means the department of fish and wildlife.

5 (14) "Director" means the director of fish and wildlife.

6 (15) "Endangered species" means wildlife designated by the  
7 commission as seriously threatened with extinction.

8 (16) "Ex officio fish and wildlife officer" means a commissioned  
9 officer of a municipal, county, state, or federal agency having as its  
10 primary function the enforcement of criminal laws in general, while the  
11 officer is in the appropriate jurisdiction. The term "ex officio fish  
12 and wildlife officer" includes special agents of the national marine  
13 fisheries service, state parks commissioned officers, United States  
14 fish and wildlife special agents, department of natural resources  
15 enforcement officers, and United States forest service officers, while  
16 the agents and officers are within their respective jurisdictions.

17 (17) "Fish" includes all species classified as game fish or food  
18 fish by statute or rule, as well as all fin fish not currently  
19 classified as food fish or game fish if such species exist in state  
20 waters. The term "fish" includes all stages of development and the  
21 bodily parts of fish species.

22 (18) "Fish and wildlife officer" means a person appointed and  
23 commissioned by the director, with authority to enforce this title and  
24 rules adopted pursuant to this title, and other statutes as prescribed  
25 by the legislature. Fish and wildlife officer includes a person  
26 commissioned before June 11, 1998, as a wildlife agent or a fisheries  
27 patrol officer.

28 (19) "Fish broker" means a person whose business it is to bring a  
29 seller of fish and shellfish and a purchaser of those fish and  
30 shellfish together.

31 (20) "Fishery" means the taking of one or more particular species  
32 of fish or shellfish with particular gear in a particular geographical  
33 area.

34 (21) "Freshwater" means all waters not defined as saltwater  
35 including, but not limited to, rivers upstream of the river mouth,  
36 lakes, ponds, and reservoirs.

37 (22) "Fur-bearing animals" means game animals that shall not be  
38 trapped except as authorized by the commission.

1 (23) "Game animals" means wild animals that shall not be hunted  
2 except as authorized by the commission.

3 (24) "Game birds" means wild birds that shall not be hunted except  
4 as authorized by the commission.

5 (25) "Game farm" means property on which wildlife is held or raised  
6 for commercial purposes, trade, or gift. The term "game farm" does not  
7 include publicly owned facilities.

8 (26) "Game reserve" means a closed area where hunting for all wild  
9 animals and wild birds is prohibited.

10 (27) "Illegal items" means those items unlawful to be possessed.

11 (28) "Invasive species" means a plant species or a nonnative animal  
12 species that either:

13 (a) Causes or may cause displacement of, or otherwise threatens,  
14 native species in their natural communities;

15 (b) Threatens or may threaten natural resources or their use in the  
16 state;

17 (c) Causes or may cause economic damage to commercial or  
18 recreational activities that are dependent upon state waters; or

19 (d) Threatens or harms human health.

20 (29) "License year" means the period of time for which a  
21 recreational license is valid. The license year begins April 1st, and  
22 ends March 31st.

23 (30) "Limited-entry license" means a license subject to a license  
24 limitation program established in chapter 77.70 RCW.

25 (31) "Money" means all currency, script, personal checks, money  
26 orders, or other negotiable instruments.

27 (32) "Nonresident" means a person who has not fulfilled the  
28 qualifications of a resident.

29 (33) "Offshore waters" means marine waters of the Pacific Ocean  
30 outside the territorial boundaries of the state, including the marine  
31 waters of other states and countries.

32 (34) "Open season" means those times, manners of taking, and places  
33 or waters established by rule of the commission for the lawful hunting,  
34 fishing, taking, or possession of game animals, game birds, game fish,  
35 food fish, or shellfish that conform to the special restrictions or  
36 physical descriptions established by rule of the commission or that  
37 have otherwise been deemed legal to hunt, fish, take, harvest, or

1 possess by rule of the commission. "Open season" includes the first  
2 and last days of the established time.

3 (35) "Owner" means the person in whom is vested the ownership  
4 dominion, or title of the property.

5 (36) "Person" means and includes an individual; a corporation; a  
6 public or private entity or organization; a local, state, or federal  
7 agency; all business organizations, including corporations and  
8 partnerships; or a group of two or more individuals acting with a  
9 common purpose whether acting in an individual, representative, or  
10 official capacity.

11 (37) "Personal property" or "property" includes both corporeal and  
12 incorporeal personal property and includes, among other property,  
13 contraband and money.

14 (38) "Personal use" means for the private use of the individual  
15 taking the fish or shellfish and not for sale or barter.

16 (39) "Predatory birds" means wild birds that may be hunted  
17 throughout the year as authorized by the commission.

18 (40) "Prohibited aquatic animal species" means an invasive species  
19 of the animal kingdom that has been classified as a prohibited aquatic  
20 animal species by the commission.

21 (41) "Protected wildlife" means wildlife designated by the  
22 commission that shall not be hunted or fished.

23 (42) "Raffle" means an activity in which tickets bearing an  
24 individual number are sold for not more than twenty-five dollars each  
25 and in which a permit or permits are awarded to hunt or for access to  
26 hunt big game animals or wild turkeys on the basis of a drawing from  
27 the tickets by the person or persons conducting the raffle.

28 (43) "Recreational and commercial watercraft" includes the boat, as  
29 well as equipment used to transport the boat, and any auxiliary  
30 equipment such as attached or detached outboard motors.

31 (44) "Regulated aquatic animal species" means a potentially  
32 invasive species of the animal kingdom that has been classified as a  
33 regulated aquatic animal species by the commission.

34 (45) "Resident" means:

35 (a) A person who has maintained a permanent place of abode within  
36 the state for at least ninety days immediately preceding an application  
37 for a license, has established by formal evidence an intent to continue

1 residing within the state, and who is not licensed to hunt or fish as  
2 a resident in another state; and

3 (b) A person age eighteen or younger who does not qualify as a  
4 resident under (a) of this subsection, but who has a parent that  
5 qualifies as a resident under (a) of this subsection.

6 (46) "Retail-eligible species" means commercially harvested salmon,  
7 crab, and sturgeon.

8 (47) "Saltwater" means those marine waters seaward of river mouths.

9 (48) "Seaweed" means marine aquatic plant species that are  
10 dependent upon the marine aquatic or tidal environment, and exist in  
11 either an attached or free floating form, and includes but is not  
12 limited to marine aquatic plants in the classes Chlorophyta,  
13 Phaeophyta, and Rhodophyta.

14 (49) "Senior" means a person seventy years old or older.

15 (50) "Shark fin" means a raw, dried, or otherwise processed  
16 detached fin or tail of a shark.

17 (51)(a) "Shark fin derivative product" means any product intended  
18 for use by humans or animals that is derived in whole or in part from  
19 shark fins or shark fin cartilage.

20 (b) "Shark fin derivative product" does not include a drug approved  
21 by the United States food and drug administration and available by  
22 prescription only or medical device or vaccine approved by the United  
23 States food and drug administration.

24 (52) "Shellfish" means those species of marine and freshwater  
25 invertebrates that have been classified and that shall not be taken  
26 except as authorized by rule of the commission. The term "shellfish"  
27 includes all stages of development and the bodily parts of shellfish  
28 species.

29 (53) "State waters" means all marine waters and freshwaters within  
30 ordinary high water lines and within the territorial boundaries of the  
31 state.

32 (54) "To fish," "to harvest," and "to take," and their derivatives  
33 means an effort to kill, injure, harass, or catch a fish or shellfish.

34 (55) "To hunt" and its derivatives means an effort to kill, injure,  
35 capture, or harass a wild animal or wild bird.

36 (56) "To process" and its derivatives mean preparing or preserving  
37 fish, wildlife, or shellfish.

1 (57) "To trap" and its derivatives means a method of hunting using  
2 devices to capture wild animals or wild birds.

3 (58) "Trafficking" means offering, attempting to engage, or  
4 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or  
5 deleterious exotic wildlife.

6 (59) "Unclaimed" means that no owner of the property has been  
7 identified or has requested, in writing, the release of the property to  
8 themselves nor has the owner of the property designated an individual  
9 to receive the property or paid the required postage to effect delivery  
10 of the property.

11 (60) "Unlisted aquatic animal species" means a nonnative animal  
12 species that has not been classified as a prohibited aquatic animal  
13 species, a regulated aquatic animal species, or an unregulated aquatic  
14 animal species by the commission.

15 (61) "Unregulated aquatic animal species" means a nonnative animal  
16 species that has been classified as an unregulated aquatic animal  
17 species by the commission.

18 (62) "Wholesale fish dealer" means a person who, acting for  
19 commercial purposes, takes possession or ownership of fish or shellfish  
20 and sells, barter, or exchanges or attempts to sell, barter, or  
21 exchange fish or shellfish that have been landed into the state of  
22 Washington or entered the state of Washington in interstate or foreign  
23 commerce.

24 (63) "Wild animals" means those species of the class Mammalia whose  
25 members exist in Washington in a wild state and the species *Rana*  
26 *catesbeiana* (bullfrog). The term "wild animal" does not include feral  
27 domestic mammals or old world rats and mice of the family Muridae of  
28 the order Rodentia.

29 (64) "Wild birds" means those species of the class Aves whose  
30 members exist in Washington in a wild state.

31 (65) "Wildlife" means all species of the animal kingdom whose  
32 members exist in Washington in a wild state. This includes but is not  
33 limited to mammals, birds, reptiles, amphibians, fish, and  
34 invertebrates. The term "wildlife" does not include feral domestic  
35 mammals, old world rats and mice of the family Muridae of the order  
36 Rodentia, or those fish, shellfish, and marine invertebrates classified  
37 as food fish or shellfish by the director. The term "wildlife"

1 includes all stages of development and the bodily parts of wildlife  
2 members.

3 (66) "Youth" means a person fifteen years old for fishing and under  
4 sixteen years old for hunting.

5 (67) "Mineral" means a naturally occurring solid substance with a  
6 specific chemical composition and crystalline structure. "Mineral"  
7 includes noncrystallized natural materials such as volcanic glass  
8 (obsidian) and opal, as well as all metallic minerals.

9 (68) "Petrified wood" means a type of fossilized terrestrial  
10 vegetation and should be distinguished from wood debris.

11 (69) "Rock" means a naturally occurring solid substance consisting  
12 of an assemblage of minerals such as quartz, feldspar, mica, garnet,  
13 and iron pyrite. "Rock" includes associated nonvertebrate fossils that  
14 may be included in rocks.

15 NEW SECTION. Sec. 3. A new section is added to chapter 77.12 RCW  
16 to read as follows:

17 (1) Recreational rock collecting from lands managed by the  
18 department is permitted under this chapter without written  
19 authorization provided:

20 (a) The collection is for personal, noncommercial use;

21 (b) The collection does not exceed two hundred fifty pounds per  
22 day; and

23 (c) Only hand tools, such as shovels and picks, are used.

24 (2) Recreational rock collecting that is for commercial use,  
25 exceeds two hundred fifty pounds per day, or uses explosives or power  
26 equipment requires written authorization and payment of applicable  
27 fees.

28 (3) The department may prohibit recreational rock collecting in  
29 certain areas to prevent significant damage to natural resources, to  
30 protect public health and safety, or avoid conflict with other  
31 permitted uses.

32 (4) Collection of petrified wood from lands managed by the  
33 department is permitted under this chapter without written  
34 authorization provided the amount collected does not exceed twenty-five  
35 pounds per day and no more than two hundred fifty pounds per year.

36 (5) Pooling of petrified wood quotas among two or more people is  
37 prohibited.



1 (6) A permit is required for the collection of petrified wood in  
2 amounts exceeding those listed in subsection (4) of this section.

3 (7) Excavation, collection, or destruction of human remains,  
4 artifacts, or vertebrate fossils including skeletal materials,  
5 arrowheads, flakes, pottery or potsherds, mats, rock art, old bottles,  
6 or pieces of equipment or buildings is prohibited.

7 (8) Rock collection on active mining claims is prohibited.

8 (9) Rock collection in department managed rock quarries or  
9 stockpiles of crushed rock for road maintenance is prohibited.

10 **Sec. 4.** RCW 43.30.020 and 2010 c 126 s 7 are each amended to read  
11 as follows:

12 The definitions in this section apply throughout this chapter  
13 unless the context clearly requires otherwise.

14 (1) "Administrator" means the administrator of the department of  
15 natural resources.

16 (2) "Agency" and "state agency" means any branch, department, or  
17 unit of the state government, however designated or constituted.

18 (3) "Board" means the board of natural resources.

19 (4) "Commissioner" means the commissioner of public lands.

20 (5) "Department" means the department of natural resources.

21 (6) "Supervisor" means the supervisor of natural resources.

22 (7) "Mineral" means a naturally occurring solid substance with a  
23 specific chemical composition and crystalline structure. "Mineral"  
24 includes noncrystallized natural materials such as volcanic glass  
25 (obsidian) and opal, as well as all metallic minerals.

26 (8) "Petrified wood" means a type of fossilized terrestrial  
27 vegetation and should be distinguished from wood debris.

28 (9) "Rock" means a naturally occurring solid substance consisting  
29 of an assemblage of minerals such as quartz, feldspar, mica, garnet,  
30 and iron pyrite. "Rock" includes associated nonvertebrate fossils that  
31 may be included in rocks.

32 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.30 RCW  
33 to read as follows:

34 (1) Recreational rock collecting from lands managed by the  
35 department is permitted under this chapter without written  
36 authorization provided:

1 (a) The collection is for personal, noncommercial use;

2 (b) The collection does not exceed two hundred fifty pounds per  
3 day; and

4 (c) Only hand tools, such as shovels and picks, are used.

5 (2) Recreational rock collecting that is for commercial use,  
6 exceeds two hundred fifty pounds per day, or uses explosives or power  
7 equipment requires written authorization and payment of applicable  
8 fees.

9 (3) The department may prohibit recreational rock collecting in  
10 certain areas to prevent significant damage to natural resources, to  
11 protect public health and safety, or avoid conflict with other  
12 permitted uses.

13 (4) Collection of petrified wood from lands managed by the  
14 department is permitted under this chapter without written  
15 authorization provided the amount collected does not exceed twenty-five  
16 pounds per day and no more than two hundred fifty pounds per year.

17 (5) Pooling of petrified wood quotas among two or more people is  
18 prohibited.

19 (6) A permit is required for the collection of petrified wood in  
20 amounts exceeding those listed in subsection (4) of this section.

21 (7) Excavation, collection, or destruction of human remains,  
22 artifacts, or vertebrate fossils including skeletal materials,  
23 arrowheads, flakes, pottery or potsherds, mats, rock art, old bottles,  
24 or pieces of equipment or buildings is prohibited.

25 (8) Rock collection on active mining claims is prohibited.

26 (9) Rock collection in department managed rock quarries or  
27 stockpiles of crushed rock for road maintenance is prohibited.

28 **Sec. 6.** RCW 79A.05.010 and 1999 c 249 s 101 are each amended to  
29 read as follows:

30 The definitions in this section apply throughout this title unless  
31 the context clearly requires otherwise.

32 (1) "Commission" means the state parks and recreation commission.

33 (2) "Chair" means the member of the commission elected pursuant to  
34 RCW 79A.05.025.

35 (3) "Director" and "director of the state parks and recreation  
36 commission" mean the director of parks and recreation or the director's  
37 designee.

1 (4) "Recreation" means those activities of a voluntary and leisure  
2 time nature that aid in promoting entertainment, pleasure, play,  
3 relaxation, or instruction.

4 (5) "Natural forest" means a forest that faithfully represents, or  
5 is meant to become representative of, its unaltered state.

6 (6) "Mineral" means a naturally occurring solid substance with a  
7 specific chemical composition and crystalline structure. "Mineral"  
8 includes noncrystallized natural materials such as volcanic glass  
9 (obsidian) and opal, as well as all metallic minerals.

10 (7) "Petrified wood" means a type of fossilized terrestrial  
11 vegetation and should be distinguished from wood debris in this  
12 chapter.

13 (8) "Rock" means a naturally occurring solid substance consisting  
14 of an assemblage of minerals such as quartz, feldspar, mica, garnet,  
15 and iron pyrite. "Rock" includes associated nonvertebrate fossils that  
16 may be included in rocks.

17 NEW SECTION. Sec. 7. A new section is added to chapter 79A.05 RCW  
18 to read as follows:

19 (1) Recreational rock collecting from lands managed by the  
20 commission is permitted under this chapter without written  
21 authorization provided:

22 (a) The collection is for personal, noncommercial use;

23 (b) The collection does not exceed two hundred fifty pounds per  
24 day; and

25 (c) Only hand tools, such as shovels and picks, are used.

26 (2) Recreational rock collecting that is for commercial use,  
27 exceeds two hundred fifty pounds per day, or uses explosives or power  
28 equipment requires written authorization and payment of applicable  
29 fees.

30 (3) The commission may prevent recreational rock collecting in  
31 certain areas in accordance with the commission's other duties and  
32 obligations.

33 (4) Collection of petrified wood from lands managed by the  
34 commission is permitted under this chapter without written  
35 authorization provided the amount collected does not exceed twenty-five  
36 pounds per day and no more than two hundred fifty pounds per year.

1 (5) Pooling of petrified wood quotas among two or more people is  
2 prohibited.

3 (6) A permit is required for the collection of petrified wood in  
4 amounts exceeding those listed in subsection (4) of this section.

5 (7) Excavation, collection, or destruction of human remains,  
6 artifacts, or vertebrate fossils including skeletal materials,  
7 arrowheads, flakes, pottery or potsherds, mats, rock art, old bottles,  
8 or pieces of equipment or buildings is prohibited.

9 (8) Rock collection on active mining claims is prohibited.

10 (9) Rock collection in commission managed rock quarries or  
11 stockpiles of crushed rock for road maintenance is prohibited.

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