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**HOUSE BILL 2467**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Tarleton, Lytton, Pollet, McBride, Morris, Reykdal, Bergquist, Walkinshaw, and Peterson

AN ACT Relating to establishing licensing of recreational motorized mineral prospecting in Washington state streams and rivers equivalent to the licensing of recreational fishing; amending RCW 77.55.091; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec.**  The legislature finds that unlike other recreational uses of Washington's streams and rivers, recreational motorized mineral prospecting is not subject to a licensing system. The legislature further finds that because other states have either prohibited or limited recreational motorized mineral prospecting to prevent adverse impacts to fish, aquatic life, and water quality, Washington's streams and rivers have become attractive to mineral prospectors from around the country. The legislature therefore intends to enact a recreational licensing system equivalent to the licensing of recreational fishing, to enable our state to understand the origin, location, and extent of recreational motorized mineral prospecting activities in our state. In addition, the legislature intends to establish a work group of stakeholders and agencies to conduct a review of scientific information regarding recreational motorized mineral prospecting to ensure that the activity is not causing direct or cumulative adverse impacts to fish, aquatic life, and water quality.

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

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

(2) By December 31, 1998, the department shall adopt rules applicable to small scale prospecting and mining activities subject to this section. The department shall develop the rules in cooperation with the recreational mining community and other interested parties.

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

(4) Recreational motorized mineral prospecting is allowed only during the season established by the department in the gold and fish pamphlet and the department may not issue a permit authorizing recreational motorized mineral prospecting outside of this season. If the department adopts by rule a selective fishing requirement or closure for a stream or river, the department shall also by rule restrict recreational mineral prospecting in that stream or river to nonmotorized equipment.

(5) A recreational motorized mineral prospecting license is required for all persons fifteen years of age or older to conduct recreational motorized mineral prospecting in state waters or offshore waters. To the extent practicable, the department's system for licensing recreational motorized mineral prospecting must be similar to its licensing of recreational fishing. The fee for the license must be equal to the combination license fee for resident and nonresident recreational freshwater and saltwater fishing under RCW 77.32.470(2)(a). The reductions in license fees for certain individuals under RCW 77.32.480 applies to the license fee for recreational motorized mineral prospecting.

(6) In areas that require a special endorsement for recreational fishing, the department must also require a special endorsement for recreational motorized mineral prospecting, with a fee identical to the fee required for the recreational fishing special endorsement.

(7) The department shall develop a recreational motorized mineral prospecting record card. The recreational motorized mineral prospecting record card must be similar to the catch record card required for recreational fishing under RCW 77.32.430. The motorized mineral prospecting record card must require reporting of the dates and location of recreational motorized mineral prospecting activities, with specific reference to those waters of the state listed in the gold and fish pamphlet. The recreational motorized mineral prospecting record card may require reporting at specific locations within streams and rivers and may also include tributaries in addition to those listed in the gold and fish pamphlet.

(8) The department may adopt rules and may update the gold and fish pamphlet as necessary to implement this section.

NEW SECTION. **Sec.**  (1)(a) The department of fish and wildlife must initiate and complete a scientific study that evaluates the effects, both acute and cumulative, of motorized mineral prospecting on native fish species and related habitat. The department may conduct the scientific study internally or contract all or a portion of the study out to an in-state college or university.

(b) The department of fish and wildlife may design and implement the scientific study required by this section in the manner deemed most appropriate by the department to meet the goals of this section. However, the department must first complete a comprehensive review of relevant scientific literature to identify any information gaps, decide if new data collection is needed or beneficial, and if so, to help focus any additional new data collection. If deemed practicable and helpful by the department, it may utilize the permit issuing process created in chapter 77.55 RCW to track and monitor motorized prospecting operations for the purposes of generating new data.

(c) If, after conducting a scientific literature review, the department decides that new data collection is warranted, it must coordinate with the work group required in subsection (2) of this section in the scope and design of any studies.

(2)(a) The department of fish and wildlife must convene a work group to analyze the results of the literature review required to be completed by the department under this section, help guide the initiation of any new data collection completed under this section, receive other related information, and formulate recommendations regarding the proper level of regulation or governmental oversight relating to motorized mineral prospecting.

(b) All members of the work group must be appointed by the director of the department of fish and wildlife. The director shall strive to create a work group composition that provides technical expertise and a diversity of perspectives. At a minimum, the director should invite representatives of the following to participate in the work group:

(i) Staff representatives of the department of fish and wildlife, the department of ecology, and the department of natural resources;

(ii) Representatives of the United States fish and wildlife service, the United States national oceanic and atmospheric administration, the United States forest service, and region X of the United States environmental protection agency;

(iii) Representatives of interested tribal nations;

(iv) Individuals who participate in motorized mineral prospecting;

(v) Representatives of conservation interests, including at least one conservation group with a mission to protect and restore cold water fisheries; and

(vi) Representatives of outdoor recreation interests such as camping, hiking, and angling.

(c) The work group must provide to the legislature, consistent with RCW 43.01.036, formal recommendations as to whether policy reforms related to motorized mineral prospecting are warranted, and if so, detailed potential reforms. In formulating its recommendations, the work group may consider any sources of information deemed relevant by the work group, including the results of the department literature review required by this section and testimony received by the work group from scientists, department staff, and other experts.

(d) The study required by this section and the formal recommendations of the work group must be completed by October 31, 2017.

(3) This section expires July 31, 2018.

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