
**Agriculture & Natural Resources
Committee**

HB 1271

Brief Description: Increasing rock collecting opportunities on state lands.

Sponsors: Representative Buys.

Brief Summary of Bill

- Creates an optional \$5 annual endorsement to a Discover Pass that entitles the holder, and the holder's immediate family members, to collect up to 50 pounds a day of rocks, minerals, and other naturally occurring objects from land managed by the state recreation agencies for personal, non-commercial use using non-explosive hand tools such as shovels and picks.

Hearing Date: 1/28/15

Staff: Jason Callahan (786-7117).

Background:

State Land Access Passes.

A public access pass is required to be displayed on any vehicle accessing most lands managed by the State Parks and Recreation Commission or by the departments of Natural Resources or Fish and Wildlife (state recreation agencies). The pass must either be a Discover Pass or a Vehicle Access Pass. A Discover Pass costs \$30 for an annual pass or \$10 for a day-use pass. The Vehicle Access Pass is available free of charge to anyone who purchases certain hunting or fishing licenses and only allows access to lands managed by the Department of Fish and Wildlife (WDFW).

Revenue from the sales of Discover Passes and Vehicle Access Passes are deposited into the Recreation Pass Account and distributed to the state recreation agencies according to a set

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formula. Of the first \$71 million of recreation pass sales, 84 percent is distributed to the State Parks and Recreation Commission (State Parks) and the remainder is equally divided between the Department of Natural Resources (DNR) and the WDFW. All sales above \$71 million are distributed equally among the three state recreation agencies.

Unlawfully accessing state lands without a valid recreation pass is a \$99 civil infraction. That penalty is reduced to \$59 if a Discover Pass is purchased within 15 days of the violation.

Rock Collecting on State Lands.

The act of rock and mineral collecting is limited but allowed on most public lands managed by the state. Each of the three state recreation agencies has slightly different rock collecting policies.

The DNR and the WDFW limit rock collecting through administrative actions based on their general administrative authority to limit acts on the land managed by the agencies. The rule applicable to the WDFW simply states that it is unlawful to remove petrified wood, minerals, and fossils from the WDFW land unless a permit is granted from the WDFW (WAC 232-12-251). The DNR has a similar rule, limiting the removal of rocks without written authorization (WAC 332-52-115). A violation of either the WDFW or the DNR rule is a criminal misdemeanor.

In contrast to the DNR and the WDFW, State Parks has a statute governing rock collection at parks. Under that statute, it is a misdemeanor to take "any tree, shrub, timber, plant, or *natural object* in any state park" (RCW 79A.05.165).

Summary of Bill:

The state recreation agencies must make available for purchase a rock collecting endorsement as an optional add-on to the purchase of a Discover Pass. The rock collecting endorsement entitles the holder, and the holder's immediate family members, to collect up to 50 pounds a day of rocks, minerals, and other naturally occurring objects from land managed by the state recreation agencies for personal, non-commercial use using non-explosive hand tools such as shovels and picks. A rock collecting endorsement, which may also be purchased as a free-standing pass separate from a Discover Pass, costs \$5 and is valid for one year. A rock collecting endorsement is required any time recreational rock collecting occurs on land managed by a state recreation agency, including times when a Discover Pass is not required for access.

A rock collecting endorsement generally allows the holder to collect rocks, minerals, and other naturally occurring objects on all land managed by the state recreation agencies. However, the state recreation agencies may identify areas where rock collecting is not allowed. Areas of state land may be closed to rock collecting to protect environmental resources, to protect the safety of the rock collector, if the state does not own the underlying mineral rights, where rock collecting is inconsistent with the management mandate of the land, and in any instance where deed restrictions make rock collecting an impermissible activity. In addition, any rock collecting that occurs in an area that has an impact on the natural flow or bed of any of the salt or fresh waters of the state must be accompanied with a hydraulic project approval issued by the WDFW (in addition to a rock collecting endorsement).

The holder of a rock collecting endorsement is prohibited from collecting petrified wood and any objects of historical or archeological value. In addition, the state recreation agencies may also identify, in rule, any specific types of minerals with high values that are prohibited from collection.

All revenue generated through the sale of rock collecting endorsements must be deposited into the Recreation Pass Account and distributed to the state recreation agencies through the same formula used to distribute the revenue from Discover Pass sales.

Appropriation: None.

Fiscal Note: Available.

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