
HOUSE BILL 2467

State of Washington

64th Legislature

2016 Regular Session

By Representatives Tarleton, Lytton, Pollet, McBride, Morris,
Reykdal, and Bergquist

1 AN ACT Relating to establishing licensing of recreational
2 motorized mineral prospecting in Washington state streams and rivers
3 equivalent to the licensing of recreational fishing; amending RCW
4 77.55.091; creating new sections; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that unlike other
7 recreational uses of Washington's streams and rivers, recreational
8 motorized mineral prospecting is not subject to a licensing system.
9 The legislature further finds that because other states have either
10 prohibited or limited recreational motorized mineral prospecting to
11 prevent adverse impacts to fish, aquatic life, and water quality,
12 Washington's streams and rivers have become attractive to mineral
13 prospectors from around the country. The legislature therefore
14 intends to enact a recreational licensing system equivalent to the
15 licensing of recreational fishing, to enable our state to understand
16 the origin, location, and extent of recreational motorized mineral
17 prospecting activities in our state. In addition, the legislature
18 intends to establish a work group of stakeholders and agencies to
19 conduct a review of scientific information regarding recreational
20 motorized mineral prospecting to ensure that the activity is not

1 causing direct or cumulative adverse impacts to fish, aquatic life,
2 and water quality.

3 **Sec. 2.** RCW 77.55.091 and 2005 c 146 s 402 are each amended to
4 read as follows:

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

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

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

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

30 (5) A recreational motorized mineral prospecting license is
31 required for all persons fifteen years of age or older to conduct
32 recreational motorized mineral prospecting in state waters or
33 offshore waters. To the extent practicable, the department's system
34 for licensing recreational motorized mineral prospecting must be
35 similar to its licensing of recreational fishing. The fee for the
36 license must be equal to the combination license fee for resident and
37 nonresident recreational freshwater and saltwater fishing under RCW
38 77.32.470(2)(a). The reductions in license fees for certain

1 individuals under RCW 77.32.480 applies to the license fee for
2 recreational motorized mineral prospecting.

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

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

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

20 NEW SECTION. Sec. 3. (1)(a) The department of fish and wildlife
21 must initiate and complete a scientific study that evaluates the
22 effects, both acute and cumulative, of motorized mineral prospecting
23 on native fish species and related habitat. The department may
24 conduct the scientific study internally or contract all or a portion
25 of the study out to an in-state college or university.

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

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

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

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

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

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

20 (iii) Representatives of interested tribal nations;

21 (iv) Individuals who participate in motorized mineral
22 prospecting;

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

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

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

37 (d) The study required by this section and the formal
38 recommendations of the work group must be completed by October 31,
39 2017.

1 (3) This section expires July 31, 2018.

--- END ---