



# Mineral Prospecting Rules

Washington Fish and Wildlife Commission

April 14, 2018

Randi Thurston  
Habitat Program



# Current Practices

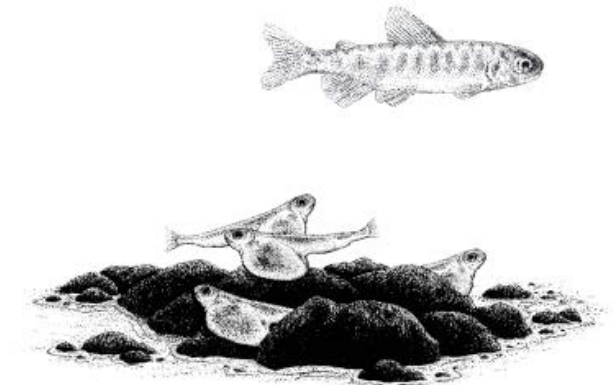
- Majority of common prospecting methods permitted (with conditions) under the Gold and Fish pamphlet
- Extent of prospecting unknown – no application required
- Since 2014, WDFW has issued 244 HPAs for exceptions to pamphlet
  - Only 3 of these issued to out-of-state applicants



Washington Department of Fish and Wildlife

## Gold and Fish

Rules for  
Mineral Prospecting  
and Placer Mining



July 2015  
4<sup>th</sup> Edition



# Regulations in Other States

- California
  - Statutory moratorium on suction dredging
- Oregon
  - Suction dredging prohibited in Essential Salmonid Habitat
- Idaho
  - Suction dredging prohibited in certain waters
    - Wild and Scenic Rivers
    - Critical Habitat under ESA
    - Withdrawn River Segments
    - State Protected Rivers
    - Sediment Impaired Streams





# Enforceability

- Violations of Hydraulic Code or Rules
  - Gross misdemeanor
    - Up to \$5,000 fine
    - 1 year in jail
  - Civil penalty
    - \$100/day
- Enforcement patrols
- Notification of work required in some HPAs





# Threat of Aquatic Invasive Species

- Prospectors move equipment throughout the state
- No provisions currently in mineral prospecting rules addressing aquatic invasive species
- Equipment cleaning provisions sometimes included in individual HPAs





# Rulemaking Options


1. No change to existing rules
2. Revise rules after reconsidering which prospecting methods to regulate under the Gold and Fish pamphlet and which require individual HPAs for approval
3. Revise rules to require individual HPAs for **suction dredging**
4. Revise rules to require individual HPAs for **motorized methods**
5. Revise rules to require individual HPAs for all methods that are not **“small scale mineral prospecting and mining”**



# Rulemaking Timeline

- File CR-101 upon completion of current Hydraulic Code rulemaking
- Timeline dependent on:
  - Method and extent of stakeholder engagement
  - Which prospecting methods require individual HPAs
  - Whether EIS, SBEIS, Cost/Benefit Analysis require extensive development

**PROPOSED RULE MAKING**

 **CR-102 (August 2017)**  
**(Implements RCW 34.05.320)**  
Do NOT use for expedited rule making

**CODE REVISER USE ONLY**  
OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED  
DATE: January 22, 2018  
TIME: 12:19 PM  
WSR 18-03-145

Agency: Department of Fish and Wildlife (WDFW)

Original Notice  
 Supplemental Notice to WSR \_\_\_\_\_  
 Continuance of WSR \_\_\_\_\_  
 Preproposal Statement of Inquiry was filed as WSR 17-20-109 on October 4, 2017; or  
 Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or  
 Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or  
 Proposal is exempt under RCW \_\_\_\_\_

Title of rule and other identifying information: (describe subject) Amendments to WAC Chapter 220-660 WAC Hydraulic Code Rules



# Questions?

