

Mineral Prospecting Rule Making to Implement ESHB 1261

Public comment period open through Jan. 30, 2021

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Commission Meeting Jan. 28-30, 2021

This presentation will cover:

WDFW Hydraulic Project Approval authority

Background – why we are updating the rule

Overview of the proposed rule

- Affects motorized or gravity siphon aquatic mining

Rule implementation

Public comments



Hydraulic Project Approvals (HPAs)

RCW 77.55 Construction Projects in State Waters

- Authorizes WDFW to issue permits to protect fish life and habitat

WAC 220-660 Hydraulic Code Rules

- Contains the rules governing HPA permits
- The proposed changes apply specifically to mineral prospecting with motorized or gravity siphon equipment





Examples of prospecting equipment



Engrossed Substitute House Bill 1261

Passed by the legislature in 2020, effective June 11, 2020

Department of Ecology

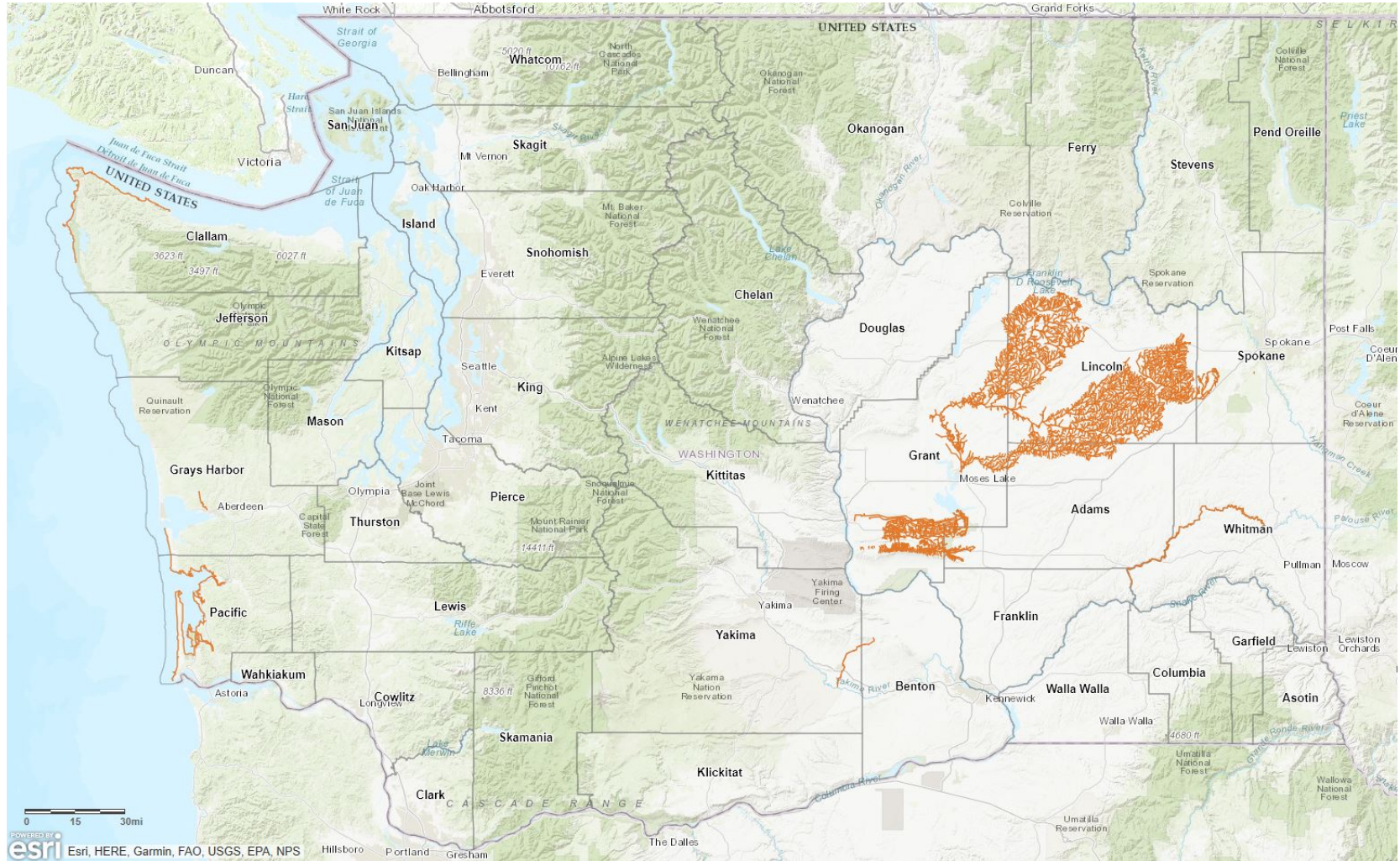
- Requires a National Pollution Discharge Elimination System (NPDES) permit for motorized or gravity siphon aquatic mining
- Significant new prohibitions on where it may occur

WDFW

- Proof of compliance with the Clean Water Act (NPDES permit or other documentation) must be provided when applying for an HPA to use motorized or gravity siphon equipment



Waters where motorized or gravity siphon aquatic mining may occur if issued NPDES



Proposed changes to WDFW rules

- Require that proof of compliance with the Clean Water Act (NPDES permit or other) is included in an HPA application
- Allow the department to reject permit applications where motorized or gravity siphon aquatic mining is not allowed
- Remove motorized aquatic mining activities from the Gold and Fish pamphlet rules and require a standard permit for these activities
- Expand invasive species prevention requirements (WAC 220-660-305) to apply to all motorized or gravity siphon equipment
- Edit definitions to support the above changes



Implementation

Minor costs will be incurred during implementation in the form of staff time

We anticipate a shift of workload from statewide to Region 6 staff

- Fewer freshwater prospecting HPAs and more beach prospecting HPAs



Public Comments

The public comment period runs through Jan. 30, 2021

Comment themes:

- Oppose the new statutory prohibitions
- Request further prohibitions
- Oppose any rule changes at all
- Ask for exemptions or exceptions that cannot be accommodated under the new statutes



Questions?

