



**State of Washington
DEPARTMENT OF FISH AND WILDLIFE**

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Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

February 16, 2011

Dear Stakeholders:

The Washington Department of Fish and Wildlife (Department) has received many comments expressing concern about proposed changes to WAC 232-12-251, Removal of Minerals, Wood and Artifacts from Department Lands. The Washington Fish and Wildlife Commission voted at its February 4 and 5, 2011, meeting to suspend proposed action on this rule until sometime in 2012.

WAC 232-12-251, **Removal of minerals, wood and artifacts from department lands**, in its current form states, *"It is unlawful to remove petrified wood, minerals, fossils, wood products or artifacts from department lands unless such removal is authorized by a permit issued by the director."*

As WDFW moves forward with rule development, we will want to consider, in part, the following:

- (1) Fish and Wildlife Police Officers have investigated several thefts of old-growth timber from Department-owned and -managed lands, only to discover that existing language in WAC 232-12-251 and the low penalties associated with this WAC adversely affected successful prosecution and outcomes. Because old-growth timber is worth thousands of dollars per tree, the current punishment does not adequately deter thieves.
- (2) We also want to be consistent with the limits the Department of Natural Resources (DNR) imposes for taking mushrooms (five-gallon limit) and berries (no limit) from its lands without a permit.
- (3) We agree that some removal of resources is consistent with the continued conservation of public lands. But given that many of the properties the Department owns and manages have sensitive plant species and artifacts, we have to build in some protections.
- (4) We need to provide clarity for the public about which resources and quantities they can remove with or without a permit. Under existing language, individuals can cause irreparable habitat destruction through unpermitted activities.
- (5) We also need to consider regulatory consistency with other federal laws and penalties.

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We will convene meetings with groups of stakeholders around the state as we work on this rule in 2012. If you would like to be a part of those meetings, please contact our agency Rules Coordinator, Lori Preuss, at Lori.preuss@dfw.wa.gov, or at the address at the top of this letter, and let her know. She will put you on our participation list.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bjork".

Bruce J. Bjork, Chief
Enforcement Program