

“GREEN SHEET”

Meeting dates: February 1-2, 2008

Agenda item: Mineral Prospecting Regulation Proposals Update – Briefing

Staff Contact: Greg Hueckel, Assistant Director, Habitat Program

Presenter(s): Perry Harvester, Region 3 Regional Habitat Program Manager
Pat Chapman, Regulatory Services Coordinator, Habitat Program

Background:

The current rules regulating mineral prospecting activities under authority of RCW 77.55.091 were adopted in 1998. In August 2006 the Commission directed agency staff to *“initiate the rule-making process on gold and fish rules as expeditiously as possible.”* Habitat Program staff organized a workgroup of 17 individuals from the prospecting community, federal and state agencies, tribes, and environmental interests to develop new rules. The workgroup met between January and November 2007 and negotiated new proposed rules using best available science. Following rule adoption, Habitat Program staff will publish a new Gold and Fish pamphlet for prospector’s use beginning in 2008.

Policy issue(s) you are bringing to the Commission for consideration:

Habitat program staff will update the Commission on the status of the development of proposed rules, and the new proposed timeline for rule adoption. Delay in rule adoption is required to allow time to address unresolved issues that have recently surfaced. Unless the delay lasts longer than anticipated, or significant modification of the proposed rules results from further discussions, we should not have to refile documents with the Office of the Code Reviser.

Public involvement process used and what you learned:

Representatives of interested parties participated in the workgroup to develop the proposed rules. While consensus was not achieved on all issues addressed by the workgroup, it was important that an open discussion occurred so that all sides understood the reasons behind each party’s position. We used a facilitator for most of the workgroup meetings, which helped the participants work towards common interests. In January 2008, Habitat Program hosted four public workshops in Spokane, Ellensburg, Mill Creek, and Vancouver to inform the public about the rules. Those workshops, and the open comment period revealed significant discontent about the proposed rules not only among members of the prospecting community, but also among those prospectors that sat on the workgroup. Prospectors have expressed significant dissatisfaction with proposed work windows, numerous specific work requirements, and in the rule development process itself. Because of this, Habitat Program is delaying presentation of the proposed rules to the Commission until outstanding issues can be resolved.

Action requested:

Delay the presentation of the proposed rules and the public hearing to a future date.

Draft motion language:

I move to continue the public hearing to a future date.

Justification for Commission action:

N/A
