

Washington State 2015 Gold and Fish Pamphlet Review

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Background

The Washington State Department of Fish and Wildlife revised the Washington Administrative Code # 220-660-030 and 220-660-300. The new rule changes were adopted by the WSDFW commission on November 7, 2014 and become effective on July 1, 2015.

A new Gold and Fish Pamphlet (July 2015 – 2nd Edition) titled “Rules for Mineral Prospecting and Placer Mining” replaces all previous versions of the Gold and Fish Pamphlet. The new pamphlet outlines the rules guiding prospecting and mineral mining in order to “protect fish and their habitats.” This review is an attempt to determine what has changed between the old and new pamphlets. I have listed the changes by using the new pamphlet page number and Section-subsection numbers. There are also some changes in the tables at the back and they will be referenced by the county and (WRIA number and page number).

Definition of Terms (page 7-10)

Some of the terms have been removed, some have been reworded, and others have been added. The list below indicates the changes:

Bed Materials (page 7)

The key to this addition is that the definition points out that the defined bed materials “are also found in deposits or bars above the wetted perimeter of water bodies.”

Fish Habitat Improvement Structures or Stream Channel Improvements (page 7)

This definition has been relabeled and was in the previous pamphlet. Besides the relabeling, they have changed the list of examples to include boulders.

Fresh Water Area (page 7)

This definition was provided as a counterpoint to the “Salt Water Definition”. It sets the defined fresh water area from the ordinary high water line and upstream of the river or stream mouth.

Natural Conditions (page 8)

The definition points out that a natural condition is neither artificial nor manufactured.

Pool (page 9)

The key to this definition is that it was important to point out that a pool has reduced current velocity and may be deeper than the surrounding area. The state is defining a pool as primarily “reduced current velocity”.

Saltwater Area (page 9)

This definition existed before, but it has been redefined as follows: Those state waters and associated beds waterward of the ordinary high water line in Puget Sound, the Strait of Juan de Fuca and the open coast. Saltwater areas include estuaries and other surface-water-connected wetlands that provide or maintain habitat that supports fish life. This definition does not include irrigation ditches, canals, storm water treatment and conveyance systems, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

The key to Deleted Definitions:

- Equipment – Any device powered by internal combustion; hydraulics; electricity, except less than one horsepower; or livestock used as draft animals, except saddle horses; and the lines, cables, arms, or extensions associated with the device.
- Fish Way – Any facility or device that is designed to enable fish to effectively pass around or through an obstruction without undue stress or delay.
- Game Fish – Those species of the class Osteichthyes that shall not be fished for except as authorized by rule of the Washington Fish and Wildlife Commission.
- Slope – Any land surface above the frequent scour zone and wetted perimeter that adjoins a body of water. Slope also includes land surfaces of islands above the frequent scour zone that adjoin a body of water; or a stretch of ground forming a natural or artificial incline.

Mineral Prospecting in Freshwater Without Timing Restrictions (page 11 – 13)

Gold and Fish Pamphlet Use (page 11):

The very first paragraph in this section states that we no longer need to bring a copy of the Gold and Fish pamphlet to the “job site” when following this section of the rules. (You will need it however when operating under timing restrictions or using an HPA.)

Winch Use – Section 2 (page 11):

They clarified use of a hand operated winch to move a “boulder or large woody material” that is not embedded OR LOCATED WITHIN THE WETTED PERIMETER.

Rules for Processing Aggregate – Section 6 (page 12 – 13):

Subsection (d) (page 12):

There’s an editing error. No real change in the rule.

Subsection (h) (page 12):

They have removed the requirement for battery powered pumps in this section.

Subsection (l) (page 12):

The old subsection (l) has been moved to subsection (m) and a new rule has been added to this section of the rules. The new rule outlines use of petroleum products and maintaining gas operated equipment near waterways.

Subsection (m) (page 13):

The old subsection (l) has been moved to this subsection.

Mineral Prospecting in Freshwater With Timing Restrictions (page 13 – 15)

Gold and Fish Pamphlet Use (page 13):

The very first paragraph in this section states that we must have a copy of the Gold and Fish pamphlet in the field at the “job site” when following this section of the rules.

Section 10 (page 14):

This section hasn’t changed except that the WDFW changed the definition of “habitat improvement structures” to include boulders.

Mineral Prospecting on Ocean Beaches (page 16 – 17)

This whole section is new and eliminates the need for a separate ocean beach HPA. Its addition is probably a testament to multiple clubs applying for HPAs and overloading the system. The rules aren’t a lot different than what we are used to, but it deserves a careful read for understanding. The highlights are as follows:

Gold and Fish Pamphlet Use (page 16):

The very first paragraph in this section states that we must have a copy of the Gold and Fish pamphlet at the “job site” when following this section of the rules if you are mining north of the Copalis River.

Required HPAs Section 2 (page 16):

No HPA or pamphlet is required for work zones between ordinary high tide and edge of ghost shrimp burrows. HPA or pamphlet is required between extreme low tide and upper edge of ghost shrimp burrows.

Allowed Equipment Section 3 (page 16):

5 ¼” dredges are allowed

Pump screens Pump Use Section 6 (page 16):

Pump screens are needed on pumps used in fish bearing water. It’s not clear what the requirement is, but we may need to also screen saltwater used in recirculation systems.

Authorized Work Times (page 17 – 19)

I didn’t note any changes in the written sections on work times. However, I did find some detailed changes in the tables that outline work timing restrictions as follows:

Chelan County – Wenatchee River (WRIA 45.0020 on page 19):

The Wenatchee River has been further detailed by adding two references with different timing windows for that part of the river from the river mouth to the Highway 2 Bridge in Leavenworth and another section from the same bridge in Leavenworth to Lake Wenatchee

Kitsap County – Dogfish Creek (WRIA 15.0285 on page 28):

This creek has had the timing window reduced.

Kitsap County – Gorst Creek (WRIA 15.0216 on page 28):

This creek has had the timing window reduced.

Kitsap County – Grovers Creek (WRIA 15.0299 on page 28):

This creek has had the timing window reduced.

Skagit County – Suiattle River (WRIA 04.0710 on page 34):

This river now requires that an application is submitted.

Skagit County – South Fork Nooksack River (WRIA 01.0246 on page 35):

All three sections of this river now require an application to be submitted.

Wahkiakum County – has an editing error where the title is not highlighted or properly formatted (page 37)

Whatcom County – Nooksack River (WRIA 01.0246 on page 38):

All three sections of this river (Middle Fork, North Fork, and South Fork) now require an application to be submitted.

Columbia River – has an editing error where the title is not highlighted or properly formatted (page 41)

Snake River – has an editing error where the title is not highlighted or properly formatted (page 41)

Lakes – has an editing error where the title is not highlighted or properly formatted (page 41)

Strait of Juan De Fuca, Puget Sound, and Hood Canal – This section is new and it also has an editing error where the title is not highlighted or properly formatted (page 41)