1	H.17
2	Introduced by Representative Yantachka of Charlotte
3	Referred to Committee on
4	Date:
5	Subject: Conservation and development; water resources; stream alteration;
6	recreational mineral prospecting
7	Statement of purpose of bill as introduced: This bill proposes that a person
8	conducting recreational mineral prospecting with the use of a sluice box shall
9	not be required to obtain a stream alteration permit subject to compliance with
10	specified conditions.
11	An act relating to recreational mineral prospecting
12	It is hereby enacted by the General Assembly of the State of Vermont:
13	Sec. 1. 10 V.S.A. § 1002 is amended to read:
14	§ 1002. DEFINITIONS
15	Wherever used or referred to in this chapter, unless a different meaning
16	clearly appears from the context:
17	* * *
18	(2) "Banks" means that land area immediately adjacent to the bed of the
19	stream, which is essential in maintaining the integrity thereof.

21

1	(3) "Bed" means the maximum area covered by waters of the stream for
2	not less than 15 consecutive days in one year.
3	* * *
4	(9) "Person" means any individual; partnership; company; corporation;
5	association; unincorporated association; joint venture; trust; municipality; the
6	State of Vermont or any agency, department, or subdivision of the State; any
7	federal agency; or any other legal or commercial entity.
8	(10) "Watercourse" means any perennial stream. "Watercourse" shall
9	not include ditches or other constructed channels primarily associated with
10	land drainage or water conveyance through or around private or public
11	infrastructure.
12	* * *
13	(14) "Recreational mineral prospecting" means removal, separation,
14	refinement, and redeposit of sediments and other substrates occurring within
15	the bed of a watercourse for the noncommercial, recreational discovery and
16	collection of gold and other minerals.
17	
	Sec. 2. 10 V.S.A. § 1021 is amended to read:
18	Sec. 2. 10 V.S.A. § 1021 is amended to read: § 1021. ALTERATION PROHIBITED; EXCEPTIONS

within or along the boundaries of this State either by movement, fill, or

1	excavation of ten cubic yards or more of instream material in any year, unless
2	authorized by the Secretary. A person shall not establish or construct a berm in
3	a flood hazard area or river corridor, as those terms are defined in subdivisions
4	752(3) and (11) of this title, unless permitted by the Secretary or constructed as
5	an emergency protective measure under subsection (b) of this section.
6	* * *
7	(h)(1) Notwithstanding any other provisions of this section, recreational
8	mineral prospectors:
9	(A) shall not operate suction dredges in any watercourse;
10	(B) may operate sluice boxes in any watercourse, provided:
11	(i) a request for approval to conduct mineral prospecting shall be
12	filed with and approved by the Secretary; and
13	(ii) mineral prospecting shall not be conducted on private land
14	without landowner permission, or on State land without permission from the
15	Secretary.
16	(2) Hand panning prospecting techniques shall be exempt from this
17	subchapter. A permit is not required under this section for recreational mineral
18	prospecting with the use of a sluice box if the person conducting the
19	recreational mineral prospecting complies with all of the following:
20	(A) a suction dredge or powered dredge equipment is not used;

1	(B) only one hand operated sluice box is used and the sluice box is
2	not larger than 52 inches long, 12 inches wide, and 6.5 inches deep;
3	(C) excavation or dredging takes place only in the bed of the
4	watercourse, and no dredging, excavation, or other disturbance occurs in or on
5	the banks of the watercourse;
6	(D) no material from outside the watercourse is deposited into the
7	watercourse;
8	(F) instream material is not deposited onto the banks of the
9	watercourse, on adjacent land, in a wetland, or in a floodplain;
10	(G) dredging or excavation is not conducted in a wetland or area of
11	aquatic vegetation; and
12	(H) dredging or excavating is conducted:
13	(i) in a State watercourse controlled or held in trust by the State; or
14	(ii) on private property with the permission of the owner of the
15	private property.
16	(2) A permit is not required under this section for recreational mineral
17	prospecting using only hand panning techniques.
18	Sec. 3. EFFECTIVE DATE
19	This act shall take effect on passage.