

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.

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.