

1 H.346

2 Introduced by Representative McFaun of Barre Town

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; regulation of stream flow;

6 recreational mineral prospecting; sluice boxes

7 Statement of purpose of bill as introduced: This bill proposes to allow the use  
8 of sluice boxes for recreational mineral prospecting in watercourses, subject to  
9 specified conditions.

10 An act relating to the use of sluice boxes for recreational mineral  
11 prospecting

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 10 V.S.A. § 1021 is amended to read:

14 § 1021. ALTERATION PROHIBITED; EXCEPTIONS

15 (a) A person shall not change, alter, or modify the course, current, or cross  
16 section of any watercourse or of designated outstanding resource waters,  
17 within or along the boundaries of this State either by movement, fill, or  
18 excavation of ten cubic yards or more of instream material in any year, unless  
19 authorized by the Secretary. A person shall not establish or construct a berm in  
20 a flood hazard area or river corridor, as those terms are defined in subdivisions

1 752(3) and (11) of this title, unless permitted by the Secretary or constructed as  
2 an emergency protective measure under subsection (b) of this section.

3 \* \* \*

4 (h)(1) Notwithstanding any other provisions of this section, recreational  
5 mineral prospectors:

6 (A) shall not operate suction dredges in any watercourse;

7 (B) may operate a nonmotorized sluice box ~~boxes box~~ in any  
8 watercourse, provided that:

9 (i) ~~a request for approval to conduct mineral prospecting shall be~~  
10 ~~filed with and approved by the Secretary; and~~

11 ~~(ii) mineral prospecting shall not be conducted on private land~~  
12 ~~without landowner permission, or on State land without permission from the~~  
13 ~~Secretary~~ only one sluice box is used per person engaged in prospecting;

14 (ii) the sluice box is not larger than 60 inches long;

15 (iii) the sluice box is hand operated;

16 (iv) excavation takes place in the bed of the watercourse, and no  
17 excavation or other disturbance occurs in or on the banks of a watercourse;

18 (v) no material from outside the watercourse is deposited into the  
19 watercourse;

20 (vi) instream material is not deposited onto the banks of the  
21 watercourse, or on adjacent land;

1                   (vii) excavation is not conducted in a wetland, as that term is  
2                   defined in section 902 of this title; and

3                   (viii) excavation is conducted in a State watercourse or on private  
4                   property with the permission of the private property owner.

5                   (2) Hand panning prospecting techniques shall be exempt from this  
6                   subchapter.

7                   (3) A person shall not be required to obtain a permit from the Secretary  
8                   of Natural Resources under this subchapter for hand panning prospecting or for  
9                   use of a sluice box that meets the requirements of subdivision (1) of this  
10                  subsection.

11                  Sec. 2. EFFECTIVE DATE

12                  This act shall take effect on passage.