

House Bill 3453

Sponsored by COMMITTEE ON RULES

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows person with recorded possessory right to minerals located in placer deposit on land of another to enter upon land to inspect deposit after providing notice. Requires person with recorded possessory right to minerals located in placer deposit on land of another to provide assurance of payment of damages to landowner, give notice to landowner and enter into land use and rehabilitation agreement with landowner before beginning placer mining operations.

Requires person with recorded possessory right to minerals located in placer deposit on land of another to file certain information with Department of State Lands before beginning placer mining operations. Allows Director of Department of State Lands to impose civil penalty of up to \$10,000 for failure to file information.

A BILL FOR AN ACT

1 Relating to persons with a possessory right to minerals located in deposits on the land of another.

2 **Be It Enacted by the People of the State of Oregon:**

SECTION 1. As used in sections 1 to 5 of this 2009 Act:

4 (1) "Placer deposit" means an accumulation of minerals in alluvium or lake beds.

5 (2) "Placer mining" means the mining of alluvium or lake beds for minerals.

6 (3) "Surface owner" means a person who holds a recorded interest in the title to the land
7 where placer deposits are located and who does not hold a recorded possessory right to the
8 minerals located in the placer deposit. "Surface owner" does not include a person who holds
9 only an easement, right of way, license, mortgage, lien, mineral interest or nonpossessory
10 interest in the land.

11 **SECTION 2. (1) A person who has a recorded possessory right to minerals located in a
12 placer deposit on the land of a surface owner may enter upon the land to:**

13 (a) Inspect the placer deposit;

14 (b) Mark the placer deposit; or

15 (c) Survey the land to determine where to locate a placer mining operation.

16 (2) A person who enters upon the land of a surface owner under this section may not
17 conduct any placer mining operations or other activities that disturb the surface of the land
18 except as provided by subsection (1) of this section.

19 (3) A person who intends to enter upon the land of a surface owner under this section
20 shall provide the surface owner with 30 days' prior notice.

21 **SECTION 3. (1) A person who has a recorded possessory right to minerals located in a
22 placer deposit on the land of a surface owner may enter upon the land to conduct placer
23 mining operations if the person provides notice as required by subsection (2) of this section,
24 enters into an agreement with the surface owner as required by subsection (5) of this section
25 and:**

26 (a) Enters into an agreement with the surface owner under which the person agrees to
27

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 compensate the surface owner for any damage to the land or any improvement on the land
2 caused by placer mining operations;

3 (b) Secures a waiver to the agreement described in this subsection from the surface
4 owner; or

5 (c) Executes a surety bond or other guaranty in the name of the surface owner to pay
6 for any damage to the land or any improvement on the land caused by placer mining oper-
7 ations.

8 (2) A person may not enter upon the land of a surface owner under this section to con-
9 duct placer mining operations unless the person gives written notice to the surface owner.
10 The person that intends to enter upon the land shall give notice to the surface owner at the
11 address of the surface owner as recorded in the county clerk's office.

12 (3) Notice given under subsection (2) of this section must include:

13 (a) The dates on which placer mining operations will occur.

14 (b) The locations of any facility or route to be used during placer mining operations.

15 (c) A list of equipment to be used during placer mining operations.

16 (d) The name, address, telephone number and, if available, the facsimile number and
17 electronic mail address of the person that is to enter upon the land to conduct placer mining
18 operations.

19 (e) The names of the employees who are to enter upon the land who are employed by the
20 person that is to enter upon the land to conduct placer mining operations.

21 (f) A reference to sections 1 to 5 of this 2009 Act.

22 (4) Notice given under subsection (2) of this section must be given no less than 30 days
23 and no more than 180 days before the commencement of placer mining operations.

24 (5) A person may not enter upon the land of a surface owner under this section to con-
25 duct placer mining operations unless the person enters into a written agreement with the
26 surface owner to:

27 (a) Use only agreed-upon routes to access the placer deposit;

28 (b) Minimize, to the greatest extent practicable, the adverse effects of the placer mining
29 operations;

30 (c) Provide for the rehabilitation of surface resources, including but not limited to plant
31 cover, soil stability and water bodies, that are adversely affected by the placer mining oper-
32 ations; and

33 (d) Complete the placer mining operations and the rehabilitation of surface resources by
34 a certain date.

35 (6) A person who enters upon the land of a surface owner under this section to conduct
36 placer mining operations may not engage in placer mining or rehabilitative operations that
37 are materially different from the operations agreed upon under subsection (5) of this section
38 unless the person first provides additional notice in the manner provided by subsection (2)
39 of this section and enters into a subsequent agreement with the surface owner in the manner
40 provided by subsection (5) of this section.

41 **SECTION 4.** A person who has a recorded possessory right to minerals located in a placer
42 deposit on the land of a surface owner may not enter upon the land of the surface owner to
43 conduct placer mining operations unless the person first files with the Department of State
44 Lands:

45 (1) The name, address, telephone number and, if available, the facsimile number and

1 **electronic mail address of the person that is to enter upon the land to conduct placer mining**
2 **operations;**

3 **(2) A copy of the notice required by section 3 of this 2009 Act;**

4 **(3) A copy of the agreement entered into under section 3 of this 2009 Act; and**

5 **(4) Any other information that the department requires by rule.**

6 **SECTION 5. (1) The Director of the Department of State Lands may impose a civil pen-**
7 **alty of up to \$10,000 for a violation of section 4 of this 2009 Act.**

8 **(2) A civil penalty under this section shall be imposed in the manner provided in ORS**
9 **183.745.**

10 **SECTION 6. Sections 1 to 5 of this 2009 Act apply to placer mining operations that com-**
11 **mence on or after the effective date of this 2009 Act.**

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