

TITLE 43

MINERAL RESOURCES

- Chapter 516. Department of Geology and Mineral Industries
517. Mining and Mining Claims
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Chapter 516

1991 EDITION

Department of Geology and Mineral Industries

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MINERAL RESOURCES

516.010 Definitions. As used in this chapter:

(1) "Mine" includes all mineral-bearing properties of whatever kind and character, whether underground, quarry, pit, well, spring or other source from which any mineral substance is obtained.

(2) "Mineral" includes any and all mineral products, metallic and nonmetallic, solid, liquid or gaseous, and mineral waters of all kinds.

(3) "Mineral industries" includes all enterprises engaged in developing and exploiting the natural substances of the earth.

(4) "Geologic hazard" means a geologic condition that is a potential danger to life and property which includes but is not limited to earthquake, landslide, flooding, erosion, expansive soil, fault displacement, volcanic eruption and subsidence.

(5) "Geology" means the study of the earth, and in particular the study of the origin, history and topographic form of rocks, ores and minerals, either under the ground or upon the surface, and their alteration by surface agencies, such as wind, water, ice and other agencies, and the economics of their use. [Amended by 1989 c.954 §1]

516.020 Creation of department. There is created a State Department of Geology and Mineral Industries.

516.030 Powers and duties of department. Subject to funds available and as part of its normal operating policies and procedures, the department is encouraged to:

(1) Initiate and conduct studies and surveys of the geological and mineral resources of the state and their commercial utility; and conduct as a continuing project a geological survey of Oregon, either as a department undertaking or jointly with federal or other agencies.

(2) Initiate, carry out or administer studies and programs that will, in cooperation with universities, federal, state and local government agencies, reduce the loss of life and property by understanding and mitigating geological hazards. These studies and programs may include but not be limited to:

(a) Statewide hazard assessment, including identification and mapping of geologic hazards, estimation of their potential consequences and likelihood of occurrence and monitoring and assessment of potentially hazardous geologic activity;

(b) Studies of paleoseismicity including but not limited to providing evidence of whether prehistoric subduction zone and crustal earthquakes have occurred in Oregon;

(c) Operation of a state seismic network in cooperation with universities or federal agencies or both through the strategic placement of instrumentation to monitor earthquake activity as it occurs; and

(d) Operation of a state geodetic network through the monitoring and periodic survey of markers in order to detect modern deformation of the earth's crust and the subsequent buildup of stress.

(3) Consider and study kindred scientific and economic questions in the field of geology and mining that are deemed of value to the people of Oregon.

(4) Cooperate with federal or other agencies for the performance of work in Oregon deemed of value to the state and of advantage to its people, under rules, terms and conditions to be arranged between the governing board of the department and such agencies. But in no case shall the cost to the department be in excess of the amount appropriated therefor, and the results of any joint undertakings shall be made available without restrictions to this department.

(5) Serve as a bureau of information and advisory services concerning geologic hazards, including maintenance of a library, a public education program and a geologic database; review of functions; expert advice to federal, state and local government agencies; and operation of a clearinghouse for post-event earth science investigations. The department shall provide technical assistance to local governments on aggregate mining and reclamation during preparation and amendment of comprehensive plans and land use regulations.

(6) Serve as a bureau of information concerning Oregon mineral resources, mineral industries and geology; by means from time to time selected by the board, conduct a mineral survey of the state, and catalog each and every mineral occurrence and deposit, metallic and nonmetallic, together with its location, production, method of working, name of owner or agent, and other detailed information capable of being tabulated and published in composite form for the use, guidance and benefit of the mineral industry of the state and of the people in general and deemed necessary in compiling mineral statistics of the state.

(7) Collect specimens and samples and develop a museum for their deposition and public exhibitions; collect photographs, models and drawings of appliances in the mines, mills and metallurgical plants of Oregon, and store them in such manner as to be readily viewed or used by the people of the state.

(8) Collect a library of literature describing the geology and mineral deposits, metallic and nonmetallic, of Oregon.

(9) Make qualitative examinations of rocks, mineral samples and specimens.

(10) Study minerals and ores, additional uses for the state's minerals, and explore the possibilities for using improved treatment, processes and mining methods. [Amended by 1989 c.954 §2; 1991 c.243 §3]

516.035 Assays; charges; geological surveys and analyses. (1) The department may make or have made qualitative and quantitative determinations of ores and minerals that are submitted for such purpose and that are from within the State of Oregon. The department shall mail to the sender of such ores or minerals the results of such determination as soon as practicable after making such determination. Such services shall be performed by the department at the request of a member of the general public at a reasonable charge.

(2) The department may perform geological surveys or analyses at the request of any state agency if department funding allows undertaking such surveys or analyses. If the survey or analysis is not funded, the department may charge an hourly rate approved by the Executive Department. [1971 c.441 §4; 1973 c.180 §1]

516.040 [Repealed by 1971 c.441 §6]

516.045 Operation of assay service for Federal Government. The department may enter into contracts or agreements with the Federal Government or any agency thereof, pursuant to which the department shall operate or act as the agent of the Federal Government in the operation of a mineral assay service or similar analytical service, the cost of which is to be reimbursed by the Federal Government.

516.050 Spectrographic laboratory. The department shall establish, equip and operate a spectrographic laboratory.

516.060 Duties of spectrographic laboratory. The laboratory shall:

(1) Make spectrographic determinations at the request of any department, institution or other agency of the state, without any charge in excess of the actual cost thereof.

(2) Make other spectrographic determinations at a reasonable charge in excess of the actual cost thereof.

516.070 Geology and Mineral Industries Account; sources; uses. There is established in the General Fund of the State Treasury an account to be known as the Geology and Mineral Industries Account. All moneys received by the department from charges for spectrographic determinations,

assay services, geologic consultation and analysis and sales of publications and from other sources shall be paid over to the State Treasurer and by the State Treasurer deposited in the General Fund to the credit of the account. All moneys within the account are continuously appropriated for the use of the department in carrying out its lawful functions. [Amended by 1957 c.233 §1; 1961 c.671 §14; 1971 c.441 §5]

516.080 Governing board; members; terms; appointments; meetings; compensation and expenses. (1) The Department of Geology and Mineral Industries shall be administered by a governing board composed of three citizens of Oregon appointed by the Governor. The members shall be appointed for a term of four years, and all appointments shall be made subject to approval by the Senate in the manner provided in ORS 171.562 and 171.565. Each member of the board shall receive a certificate of appointment from the Governor and, before beginning term of office, shall file with the Secretary of State a constitutional oath of office. Resignations, when made, shall be addressed to and accepted by the Governor, and all vacancies in the board shall be filled by the Governor by appointment for the unexpired term.

(2) The board shall hold stated meetings four times each year and special meetings may be called by the chairman or by a majority of the board. Meetings may be held at the offices of the department, or elsewhere, as may be deemed expedient or desirable.

(3) Each member of the board is entitled to compensation and expenses as provided in ORS 292.495. [Amended by 1961 c.167 §42; 1969 c.314 §61; 1969 c.695 §11; 1983 c.740 §204a]

516.090 General powers and duties of board. (1) The governing board shall accept from the United States or any of its agencies such funds as may be made available to this state for any of the purposes contemplated by this chapter, and shall enter into such contracts and agreements with the United States or any of its agencies or with Oregon or any of its agencies as may be necessary, proper and convenient, and not contrary to the laws of this state. The governing board may receive on behalf of this state, for the use and benefit of the department, gifts, devises and legacies of real or other property, and use them in accordance with the wishes of the donors, or, in the absence of specific instructions by the donors, manage, use and dispose of the gifts and legacies as may be deemed by the governing board for the best interest of the state.

(2) The board shall have general charge and control of the department, and shall promulgate and publish uniform rules con-

sistent with the terms of this chapter for the conduct of business by the department, which rules may be amended or changed from time to time by the board.

516.100 Reports and publications of board. The governing board shall have prepared, printed and published reports, pamphlets, charts and maps, embracing detailed descriptions of the geology of the state, its mineral resources, metallic and nonmetallic, and all other investigations within the scope of this chapter, as the interests of the state, the diffusion of knowledge and the advancement of mining and industry demand. All maps, charts, special bulletins and other publications shall be for public distribution; but the board may make a reasonable charge to cover publication and distribution costs. Reports of the department shall be published from time to time, but when a report embodies results of surveys or studies of economic importance, no information of any kind concerning the contents of such report shall be given out prior to publication, if such prior information could place the recipient in a preferential position as regards its use. However, if an investigation of a mineral property within the state is made by an employee of the department at the request of either the owner or a person in control of such property, results of the investigation shall be conveyed to the owner or person in control prior to the publication of a report of such results. After they have been conveyed to the owner or person, the results shall be open to public inspection prior to their publication. [Amended by 1975 c.605 §26]

516.110 Properties, equipment and offices. The governing board shall have possession, charge and control of all publications, equipment, samples and properties wherever deposited and vested in any previous agency of the state, of which the department is successor, except such properties as have previously been vested in the state institutions of higher education. The board may purchase or arrange for obtaining office furniture, fixtures and other equipment necessary properly to furnish suitable offices and laboratories for the department, and may rent or lease space for said offices in a convenient location.

516.120 State Geologist; appointment; compensation; qualifications and experience. The position of State Geologist within the Department of Geology and Mineral Industries is created. The governing board shall appoint the State Geologist and may contract with the State Geologist for such time of service, subject to termination by the board, and, unless otherwise provided by law, at such compensation as the best interests of the state may require. The State Geologist

shall be selected by the board to have supervision and superintendence of the work of the department. The State Geologist shall be qualified to perform as well as to direct the technical and executive work of the department, and shall be either a geologist with a broad background of mining and engineering experience or a mining engineer with a broad background of geological experience, whose additional qualifications shall be an experience record which includes five years in charge of important work in either mining engineering, geology, or both, and a minimum total experience of 10 years in these fields. [Amended by 1963 c.192 §1; 1983 c.740 §205]

516.130 Duties of State Geologist; oath; bond or other security; conflict of interest prohibited; employment of assistants; plans and budgets; notes and charts; supervision of work; inventory and report. (1) The State Geologist shall take and subscribe to the same oath of office as other state officers. The State Geologist shall receive necessary traveling expenses when traveling on the business of the department. The State Geologist shall give a good and sufficient bond or irrevocable letter of credit for the faithful performance of the duties of the State Geologist, in the sum of \$10,000, premium of or fee for which is to be paid by the department. The irrevocable letter of credit shall be issued by a commercial bank as defined in ORS 706.005. Neither the State Geologist nor any member of the staff of the State Geologist shall acquire a pecuniary interest nor deal in any producing or prospective mineral property of any kind in this state, including oil and gas, nor act as agent or broker for any purchaser, owner, or an agent of a purchaser or owner, of any mineral property, nor accept a commission for any service rendered during the period of employment with the department, if such service is concerned with mining, geology or any mineral industry in this state; nor make any investigation or report of any individual property in this state for purposes of evaluation.

(2) The State Geologist may employ qualified assistants, specialists, laborers and office employees when necessary in the execution of the plans of the State Geologist and the operations of the department, and fix their compensation, with the approval of the governing board. The employees shall be allowed their necessary traveling expenses incurred in the performance of their duties for the department. They shall be employed at the pleasure of the State Geologist, subject, however, to any applicable provisions of the State Personnel Relations Law.

(3) The State Geologist shall place before the governing board at each stated meeting,

plans and budgets for future projects, with the scope and estimated costs thereof, together with a statement setting forth conditions, progress and estimated cost to that date, of all investigations previously authorized and being conducted. The State Geologist shall make every effort to complete promptly for publication all notes, charts and maps covering mineral and geological investigations of the department, so that public distribution of same may take place as closely as possible after the completion of field investigations.

(4) The State Geologist shall have charge of, organize and supervise the work of the department in field and office; the State Geologist shall have charge of the necessary field and office supplies and equipment; and the State Geologist shall perform such other duties as may be necessary to carry out the work of the department. The State Geologist shall maintain a current inventory of all

physical properties of the department and make an annual report thereof to the board. [Amended by 1991 c.331 §74]

516.135 Department to act in manner to avoid contamination of ground water resources. (1) In carrying out its duties related to mineral resources, mineral industries and geology, the State Department of Geology and Mineral Industries shall act in a manner that is consistent with the goal set forth in ORS 468B.155.

(2) In order to assist in the development of a statewide repository of information about Oregon's ground water resource, the department shall provide any information, acquired by the department in carrying out its statutory duties, that is related to ground water quality to the centralized repository established pursuant to ORS 536.125. [1989 c.833 §46]

516.140 [Repealed by 1957 c.233 §2]