

§ 670. Surrender to United States of right to regulate debris of mine

Said petition shall be accompanied by an instrument duly executed and acknowledged, as required by the law of the said State, whereby the owner or owners of such mine or mines surrender to the United States the right and privilege to regulate by law, as provided in this chapter, or any law that may be enacted after March 1, 1893, or by such rules and regulations as may be prescribed by virtue thereof, the manner and method in which the debris resulting from the working of said mine or mines shall be restrained, and what amount shall be produced therefrom; it being understood that the surrender aforesaid shall not be construed as in any way affecting the right of such owner or owners to operate said mine or mines by any other process or method in use in said State on March 1, 1893: *Provided*, That they shall not interfere with the navigability of the aforesaid rivers.

(Mar. 1, 1893, ch. 183, §10, 27 Stat. 508.)

§ 671. Petition for common dumping ground, etc.

The owners of several mining claims situated so as to require a common dumping ground or dam or other restraining works for the debris issuing therefrom in one or more sites may file a joint petition setting forth such facts in addition to the requirements of section 669 of this title; and where the owner of a hydraulic mine or owners of several such mines have and use common dumping sites for impounding debris or as settling reservoirs, which sites are located below the mine of an applicant not entitled to use same, such fact shall also be stated in said petition. Thereupon the same proceedings shall be had as provided for herein.

(Mar. 1, 1893, ch. 183, §11, 27 Stat. 508.)

REFERENCES IN TEXT

Herein, referred to in text, means act Mar. 1, 1893, which comprises this chapter.

§ 672. Notice of petition for dumping grounds, etc.; hearing

A notice specifying briefly the contents of said petition and fixing a time previous to which all proofs are to be submitted shall be published by said commission in some newspaper or newspapers of general circulation in the communities interested in the matter set forth therein. If published in a daily paper such publication shall continue for at least ten days; if in a weekly paper in at least three issues of the same. Pending publication thereof said commission, or a committee thereof, shall examine the mine and premises described in such petition. On or before the time so fixed all parties interested, either as petitioners or contestants, whether miners or agriculturists, may file affidavits, plans, and maps in support of their respective claims. Further hearings, upon notice to all parties of record, may be granted by the commission when necessary.

(Mar. 1, 1893, ch. 183, §12, 27 Stat. 508.)

TRANSFER OF FUNCTIONS

California Debris Commission abolished and functions transferred to Secretary of the Army by Pub. L.

99-662, title XI, §1106, Nov. 17, 1986, 100 Stat. 4229, set out as a note under section 661 of this title.

§ 673. Order by commission directing method of mining, etc.; expenses of complying with order; exemption from mining taxes

In case a majority of the members of said commission, within thirty days after the time so fixed, concur in the decision in favor of the petitioner or petitioners, the said commission shall thereupon make an order directing the methods and specifying in detail the manner in which operations shall proceed in such mine or mines; what restraining or impounding works, if any, if facilities therefor can be found, shall be built and maintained; how and of what material; where to be located; and in general set forth such further requirements and safeguards as will protect the public interests and prevent injury to the said navigable rivers and the lands adjacent thereto, with such further conditions and limitations as will observe all the provisions of this chapter in relation to the working thereof and the payment of taxes on the gross proceeds of the same: *Provided*, That all expense incurred in complying with said order shall be borne by the owner or owners of such mine or mines: *And provided further*, That where it shall appear to said commission that hydraulic mining may be carried on without injury to the navigation of said navigable rivers and the lands adjacent thereto, an order may be made authorizing such mining to be carried on without requiring the construction of any restraining or impounding works or any settling reservoirs: *And provided also*, That where such an order is made a license to mine, no taxes provided for in this chapter on the gross proceeds of such mining operations shall be collected.

(Mar. 1, 1893, ch. 183, §13, 27 Stat. 508; Feb. 27, 1907, ch. 2077, 34 Stat. 1001.)

AMENDMENTS

1907—Act Feb. 27, 1907, inserted “if any” after “restraining or impounding works” and inserted last two provisos.

TRANSFER OF FUNCTIONS

California Debris Commission abolished and functions transferred to Secretary of the Army by Pub. L. 99-662, title XI, §1106, Nov. 17, 1986, 100 Stat. 4229, set out as a note under section 661 of this title.

§ 674. Plans for and supervision of work required by order; permit to commence mining

Such petitioner or petitioners must within a reasonable time present plans and specifications of all works required to be built in pursuance of said order for examination, correction, and approval by said commission; and thereupon work may immediately commence thereon under the supervision of said commission or representative thereof attached thereto from said Corps of Engineers, who shall inspect same from time to time. Upon completion thereof, if found in every respect to meet the requirements of the said order and said approved plans and specifications, permission shall thereupon be granted to the owner or owners of such mine or mines to commence mining operations, subject to the conditions of said order and the provisions of this chapter.

(Mar. 1, 1893, ch. 183, §14, 27 Stat. 509.)

TRANSFER OF FUNCTIONS

California Debris Commission abolished and functions transferred to Secretary of the Army by Pub. L. 99-662, title XI, §1106, Nov. 17, 1986, 100 Stat. 4229, set out as a note under section 661 of this title.

§ 675. Conditions precedent for commencement of mining operations

No permission granted to a mine owner or owners under this chapter shall take effect, so far as regards the working of a mine, until all impounding dams or other restraining works, if any are prescribed by the order granting such permission, have been completed and until the impounding dams or other restraining works or settling reservoirs provided by said commission have reached such a stage as, in the opinion of said commission, it is safe to use the same: *Provided, however,* That if said commission shall be of the opinion that the restraining and other works already constructed at the mine or mines shall be sufficient to protect the navigable rivers of said systems and the work of said commission, then the owner or owners of such mine or mines may be permitted to commence operations.

(Mar. 1, 1893, ch. 183, §15, 27 Stat. 509.)

TRANSFER OF FUNCTIONS

California Debris Commission abolished and functions transferred to Secretary of the Army by Pub. L. 99-662, title XI, §1106, Nov. 17, 1986, 100 Stat. 4229, set out as a note under section 661 of this title.

§ 676. Allotment of expenses for common dumping grounds; location of impounding works

In case the joint petition referred to in section 671 of this title is granted, the commission shall fix the respective amounts to be paid by each owner of such mines toward providing and building necessary impounding dams or other restraining works. In the event of a petition being filed after the entry of such order, or in case the impounding dam or dams or other restraining works have already been constructed and accepted by said commission, the commission shall fix such amount as may be reasonable for the privilege of dumping therein, which amount shall be divided between the original owners of such impounding dams or other restraining works in proportion to the amount respectively paid by each party owning same. The expense of maintaining and protecting such joint dam or works shall be divided among mine owners using the same in such proportion as the commission shall determine. In all cases where it is practicable, restraining and impounding works are to be provided, constructed, and maintained by mine owners near or below the mine or mines before reaching the main tributaries of said navigable waters.

(Mar. 1, 1893, ch. 183, §16, 27 Stat. 509.)

TRANSFER OF FUNCTIONS

California Debris Commission abolished and functions transferred to Secretary of the Army by Pub. L. 99-662, title XI, §1106, Nov. 17, 1986, 100 Stat. 4229, set out as a note under section 661 of this title.

§ 677. Limitation as to quantity of debris washed away

At no time shall any more debris be permitted to be washed away from any hydraulic mine or mines situated on the tributaries of said rivers and the respective branches of each, worked under the provisions of this chapter, than can be impounded within the restraining works erected.

(Mar. 1, 1893, ch. 183, §17, 27 Stat. 509.)

§ 678. Modification and revocation of permit to mine

The said commission may, at any time when the condition of the navigable rivers or when the capacities of all impounding and settling facilities erected by mine owners or such as may be provided by Government authority require same, modify the order granting the privilege to mine by the hydraulic mining process so as to reduce the amount thereof to meet the capacities of the facilities then in use; or, if actually required in order to protect the navigable rivers from damage or in case of failure to pay the tax prescribed by section 683 of this title within thirty days after same becomes due, may revoke same until the further notice of the commission.

(Mar. 1, 1893, ch. 183, §18, 27 Stat. 509; June 19, 1934, ch. 661, §1, 48 Stat. 1118.)

AMENDMENTS

1934—Act June 19, 1934, inserted “or in case of failure to pay the tax prescribed by section 683 of this title within thirty days after same becomes due”.

TRANSFER OF FUNCTIONS

California Debris Commission abolished and functions transferred to Secretary of the Army by Pub. L. 99-662, title XI, §1106, Nov. 17, 1986, 100 Stat. 4229, set out as a note under section 661 of this title.

§ 679. Violation of permit to mine; penalty

An intentional violation on the part of a mine owner or owners, company, or corporation, or the agents or employees of either, of the conditions of the order granted pursuant to section 673 of this title, or such modifications thereof as may have been made by said commission, shall work a forfeiture of the privileges thereby conferred, and upon notice being served by the order of said commission upon such owner or owners, company, or corporation, or agent in charge, work shall immediately cease. Said commission shall take necessary steps to enforce its orders in case of the failure, neglect, or refusal of such owner or owners, company, or corporation, or agents thereof, to comply therewith, or in the event of any person or persons, company, or corporation working by said process in said territory contrary to law.

(Mar. 1, 1893, ch. 183, §19, 27 Stat. 510.)

TRANSFER OF FUNCTIONS

California Debris Commission abolished and functions transferred to Secretary of the Army by Pub. L. 99-662, title XI, §1106, Nov. 17, 1986, 100 Stat. 4229, set out as a note under section 661 of this title.

§ 680. Examination of mines; reports

Said commission, or a committee therefrom, or officer of said corps assigned to duty under