

CHAPTER 260

NATURAL RESOURCES

SENATE BILL 06-236

BY SENATOR(S) Isgar, May R., Taylor, Tochtrop, and Williams;
also REPRESENTATIVE(S) Curry, Liston, Massey, and Schultheis.

AN ACT**CONCERNING AN EXCLUSION FROM THE DEFINITION OF EXPLORATION FOR A CONSTRUCTION MATERIAL FOR ACTIVITIES OCCURRING WITHIN A LIMITED AREA.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 34-32.5-103 (9), Colorado Revised Statutes, is amended to read:

34-32.5-103. Definitions. As used in this article, unless the context otherwise requires:

(9) "Exploration" means the act of searching for or investigating a construction materials deposit. "Exploration" includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes, and digging pits, cuts, or other works for the purpose of extracting samples prior to the commencement of development or extraction, and the building of roads, access ways, and other facilities related to such work. "Exploration" does not include:

(a) An activity that causes very little or no surface disturbance, such as airborne surveys and photographs, the use of instruments or devices that are hand-carried or otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work that causes no greater land disturbance than is caused by ordinary lawful use of the land by persons not involved in exploration activities; OR

(b) ANY SINGLE ACTIVITY THAT RESULTS IN THE DISTURBANCE OF A SINGLE BLOCK OF LAND TOTALING ONE THOUSAND SIX HUNDRED SQUARE FEET OR LESS OF THE LAND'S SURFACE, NOT TO EXCEED TWO SUCH DISTURBANCES PER ACRE; EXCEPT THAT THE CUMULATIVE TOTAL OF SUCH DISTURBANCES MAY NOT EXCEED FIVE ACRES STATEWIDE IN ANY EXPLORATION OPERATION EXTENDING OVER TWENTY-FOUR

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

CONSECUTIVE MONTHS.

SECTION 2. Applicability. This act shall apply to exploration occurring on or after the effective date of this act.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 25, 2006