

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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**Action:** Do Pass  
**Vote:** 7 - 0 - 1  
**Yeas:** Clem, Cowan, Esquivel, Garrett, Hanna, Wingard, Nolan  
**Nays:** 0  
**Exc.:** Greenlick  
**Prepared By:** Cheyenne Ross, Administrator  
**Meeting Dates:** 5/12

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**WHAT THE MEASURE DOES:** Exempts from reclamation requirements lands within the surfaces and contours of surface mines in existence on July 1, 1972, if certain requirements are met. Requires operation under a valid county certificate of exemption at time a county zoning law or ordinance was repealed. Requires that landowner apply for certificate of exemption within 90 days of such repeal. Requires automatic approval of application if no action taken by Department of Geology and Minerals (Department) within 90 days of filing. Requires erosion stabilization upon completion of mining. Authorizes Department to allow surface mining operation that held valid county operating permit and reclamation plan to continue for no more than one year, as long as operator applies for a permit within 60 days of a zoning ordinance repeal becoming effective. Requires that operator pay necessary fees and submit a bond or security to Department. Authorizes Department to incorporate any provisions from county operating permit into new permit as long as it adequately protects public health, safety and welfare, and the environment. Declares emergency, effective upon passage.

**ISSUES DISCUSSED:**

- History and provisions of the measure
- Initiated by county, prepared by agency
- Prevention of potential legal issues

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** In July 1972, the Mined Land Reclamation Act (MLR) became state law, but before it took effect, Columbia county passed a local surface mining ordinance and was grandfathered out of the MLR. Columbia county (the County) is currently the only county in Oregon to have a local surface mine operating permit program. In 2004, the Department began administering the County's program under contract, and recently, the County expressed a desire to repeal its program and turn jurisdiction over to the Department. The Department requested this legislation to make the transition.