

**REVENUE:** No revenue impact

**FISCAL:** No fiscal impact

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**Action:** Do Pass as Amended and Be Printed Engrossed

**Vote:** 5 - 0 - 0

**Yeas:** Atkinson, Boquist, Hass, Prozanski, Dingfelder

**Nays:** 0

**Exc.:** 0

**Prepared By:** Beth Herzog, Administrator

**Meeting Dates:** 3/17, 3/24

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**WHAT THE MEASURE DOES:** Modifies the definition of surface mining. Excludes excavation or reprocessing of aggregate material, or grading operations, from or adjacent to the highway right of way if it is reasonably necessary for the construction, reconstruction or maintenance of a highway. Applies to all operating permits issued before or after the Act takes effect. Changes the term public transportation facility to highway and provides statutory reference.

**ISSUES DISCUSSED:**

- Unintended consequences of Senate Bill 149 (2007)
- Oregon Department of Transportation (ODOT) requirement to obtain a surface mining permit for these actions prior to 2007

**EFFECT OF COMMITTEE AMENDMENT:** Clarifies that the exclusion of grading operations is only within or adjacent to a highway right of way. Changes the term public transportation facility to highway and provides statutory reference.

**BACKGROUND:** The Department of Geology and Mining Industry (Department) has regulated mining operations in Oregon since 1972. Under the department's current field-based inspection program, over 1,500 mining inspections are conducted each biennium throughout the state. Experiences with contested cases led the department to propose legislation to the 2007 Legislative Assembly that clarified and strengthened their regulatory role. During the rule making process, the department realized that the statute had been inadvertently modified and required the ODOT to obtain a surface mining permit when grading and excavating or reprocessing aggregate material on or adjacent to the highway right of way. Senate Bill 599A provides an exemption that relieves counties, cities, and ODOT from having to obtain a surface mining permit during the construction, reconstruction, or maintenance of a highway.