

Add to ORS 215.298

(1) The Legislative Assembly finds that:

(a) The extraction of mineral and aggregate and other subsurface resources is an essential contribution to Oregon's economic well-being.

(b) Oregon has an economic and social interest in locating and providing affordable mineral and aggregate materials in close proximity to markets.

(c) Oregon has an interest in balancing competing land use demands for lands identified as farmlands or forestlands in a manner that protects the economic viability of all resource uses including mining.

(d) Oregon has an interest in providing significant volumes of high-quality aggregate and other minerals or other subsurface resources that are critical to building Oregon's communities and infrastructure, while at the same time preserving farmland for agricultural production.

(2) Therefore, the Legislative Assembly declares that:

(a) High-value farmland on Class I and II soils in the Willamette Valley should be preserved from mining unless there is a significant volume of commercial quality mineral and aggregate material available for extraction.

(b) When enacting any regulation or applying any law or regulation, state agencies and local governments should balance competing resource uses, but they should not act to restrict utilization of the full permitted depth of the mineral or aggregate deposit, unless a public health and safety concern necessitates restricting the mining activity.

Add or Amend ORS 517 section:

ORS 517.750 (7) 'Mechanical ability' means the ability, based on a preponderance of the evidence, to use economically feasible mining practices and reasonably available technology that is common to the mineral and aggregate mining industry in Oregon, to mine to the minimum depth of mineral and aggregate deposit as established by rule.

ORS 517.790(1)(j) For surface mining authorized under ORS 215.213 (2)(d)(B) to (D) or 215.283 (2)(b)(B) to (D) on high-value farmland on class I and II soils in the Willamette Valley, a plan that demonstrates to the satisfaction of the department that the operator or owner has, or will have, the mechanical ability to mine the minimum required depth set in rule. The Department will apply this provision independent of any limitation on mining depth imposed on the proposed mining site by state or federal government permitting processes. This section does not create, and the Department's acceptance of a plan under this section does not establish, an independent depth standard for land use approval. Minimum depth refers to the total accumulation of various accessible layers of mineral and aggregate material deposited on a site without regard to intervening material deposited through the geologic strata.

ORS 517.830(3) Except as provided in subsection (4) of this section, for a mining operation authorized by ORS 215.213 (2)(d)(B) to (D) or 215.283(2)(b)(B) to (D) on high-value farmland on class I and II soils in the Willamette Valley, as defined in ORS 215.710, on or after the effective date of this 2013 Act, final closure of the mining site may not occur unless the operator files with the department a statement that the aggregate material in the mining site has been substantially removed consistent with the final permitted depth approved by all regulatory

agencies. (4) This section does not: (i) Prohibit interim reclamation practices or requirements imposed by the department during the operation of the mine. (ii) Affect the authority of the department to enforce a closure order and reclaim a mining site when the operator has defaulted on the operator's bond. (iii) Require an operator or owner to bond mining to the permitted mining depth. (iv) Prohibit normal and acceptable mining practices including but not limited to mining in separate lifts or strata.

The amendments in this Act apply to new post acknowledgment plan amendments (PAPAs), comprehensive plan changes and zone changes filed with a local government after the effective date of this 2013 Act and do not apply to currently operating mining operations or operations that need site plan approval, development plan approval or other local government approvals that do not involve a PAPA, comprehensive plan change.