

SB 361 DOGAMI testimony

Chair Edwards, Vice Chair Olsen, and Committee members, I'm Richard Riggs, Assistant Director of the Department of Geology and Mineral Industries, and manager of the agency's Mineral Land Regulation and Reclamation program. Thank you for allowing DOGAMI to comment on SB 361.

SB 361's intent is to require local governments to issue a document stating that a proposed mine site is in conformance with local land use laws prior to DOGAMI issuing a new permit, amendment, or renewal.

There are currently 899 mine sites across Oregon, operating under permits issued by DOGAMI. Our permitting processes are controlled by ORS chapter 517.750 – 517.989, and Oregon Administrative Rules, Chapter 632, Division 30.

Current rule (OAR 632-030-0025) requires applicants for new or amended permits to “demonstrate that the planned beneficial use is compatible with the affected local government's acknowledged comprehensive plan and land-use regulations.”

In addition to the responsibility placed upon the applicant by our Governing Board's rules, Oregon statute (ORS 517.830(5)(a)) requires DOGAMI to “give the local jurisdiction the opportunity to review and comment on the application.” Additional requirements to circulate permits to local governments are found in our rules (OAR Chapter 632-030-0030(1)(d)(B)) and state that DOGAMI must “circulate the complete operating permit application, including the proposed reclamation plan, draft operating permit, an inspection report or an evaluation to appropriate federal, state, and local agencies for review and comment.”

Throughout the permitting process, rules and statute require both the applicant and DOGAMI to engage local governments on the issue of land use, such that the local government has multiple opportunities to comment on a proposed mine site's land use compatibility, which I believe is the general intent of this bill.

Current rule (OAR 632-030-0030) also allows my staff to review the application's technical materials in parallel to a local agencies review the application for land use compatibility. SB 361 in its current form would prevent my staff from acting on any new or amended permits until the applicant has obtained land use approval from the local government. In essence, we would be forced to work in series with local governments instead of parallel.

SB 361 would also place a new burden on our 899 already-permitted mine sites; that they reengage local governments for land use approval when they seek to *renew* their permit, even though they have already worked through that process once before.

From an agency standpoint, the administrative burden on my staff would change little if SB 361 were passed. Under current rule and statute, my staff already works very closely with applicants and local governments throughout the permitting process to verify compatibility of a proposed mine site with local, existing land uses.

Thank you again for the opportunity to address this committee. I would be happy to answer any questions you may have.