

SB 644 -3 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

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Meeting Dates: 3/30, 4/17

WHAT THE MEASURE DOES:

Makes changes to State Department of Geology and Mineral Industries (DOGAMI) governing board composition to reflect all geographic regions of state and varied interests or expertise. Limits exclusion certificate requirement to commercial sand, gravel or crushed stone mining. Establishes limits on certain DOGAMI application fees. Exempts surface mining operations located on federal land and in compliance with federal financial guarantees from DOGAMI state bonding requirements. Adds mining activities to list of allowed uses on exclusive farm use land in Baker, Grant, Harney, Lake, Malheur, Union, and Wallowa Counties. Removes regulations on use of motorized equipment for placer mining activities subject to sunset January 2, 2021 (Sections 2 and 4, Chapter 783, Oregon Laws 2013). Bans motorized in-stream placer mining on waters that are indigenous anadromous salmonid habitat or essential to recovery and conservation of Pacific Lamprey. Ban does not include motorized in-stream placer mining with patented claims granted or unpatented mining claims located prior to effective date of measure.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 Replaces measure. Defines "mining." Specifies that county approval of a land use application for mining on exclusive farm use lands is not subject to statutory standards (ORS 215.296) or administrative land use rules in Baker, Grant, Harney, Lake, Malheur, Union and Wallowa counties. Allows a county to deny a land use application for mining only under specified conditions in these counties.

Makes legislative findings and declarations related to mining, including mining on land zoned for farm or forest use.

For purposes of a cause of action for nuisance or trespass against the operator of a surface mining operation, declares that operator is not negligent or engaged in ultrahazardous activity if in compliance with specified permits. Entitles prevailing party to recovery of reasonable attorneys fees in such actions. Applies measure provisions to all such causes of action, except those for which a judgment has been entered before the effective date of Act.

Directs State Department of Geology and Mineral Industries to make accessible online all data and research on the mineral resource potential of eastern and southern Oregon.

BACKGROUND:

Mineral exploration and production in Oregon is regulated by the State Department of Geology and Mineral Industries' (DOGAMI) in cooperation with other state, federal, and local agencies to ensure the protection of adjacent natural resources and future beneficial use of mined lands. A five-member Governing Board (Board) of citizens, appointed by the Governor and confirmed by the Senate, oversees DOGAMI. The Board sets policy, oversees general operations, and develops a strategic plan to help guide DOGAMI's mission and objectives.

Senate Bill 644 would require that members of the Board represent different geographic regions of the state and specified interests and expertise. The Act contains a number of other updates to DOGAMI's governing statutes. Under current law, mining activities may be allowed on exclusive farm use land with the express approval of the local
This Summary has not been adopted or officially endorsed by action of the committee.

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governing body if the local governing body determines that the activity will not force a significant change in the accepted farm or forest practices on surrounding lands or significantly increase the cost of such practices on surrounding lands. The measure would allow mining activities as an outright permitted use in seven eastern Oregon counties: Baker, Grant, Harney, Lake, Malheur, Union, and Wallowa.

Senate Bill 838 (2013) imposed a moratorium from January 2, 2016 until January 2, 2021 on motorized mining for precious metals instream and upland of rivers and tributaries with essential indigenous salmon habitat or naturally reproducing populations of bull trout. In areas where the moratorium did not apply, the measure capped issuance of permits for such mining at 850 during this time period. Senate Bill 644 would repeal the terms of the moratorium and replace them with a ban on motorized in-stream placer mining, with an exception to allow those with mining claims as of the effective date of the bill to remain unaffected by the change.