

SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 644

By JOINT COMMITTEE ON WAYS AND MEANS

July 4

- 1 On page 1 of the printed A-engrossed bill, line 8, delete “the De-”.
- 2 In line 9, delete “partment of Land Conservation and Development determines that”.
- 3 On page 2, line 42, delete “has discretion to” and insert “shall”.
- 4 On page 3, delete lines 9 through 13 and insert:
- 5 “(6) For purposes of a county determination described in subsection (5) of this section, the
- 6 county shall determine the impact area of the proposed use.”.
- 7 On page 6, delete lines 16 through 26 and insert:
- 8 “(5) The department shall issue a provisional operating permit to an applicant that has not ob-
- 9 tained all required federal, state and local permits and approvals for the proposed mining operation,
- 10 provided:
- 11 “(a) The applicant has complied with this chapter and the rules adopted by the department to
- 12 carry out the purposes of this chapter; and
- 13 “(b) The permit:
- 14 “(A) Does not become effective until the applicant obtains all required permits and approvals;
- 15 and
- 16 “(B) Contains conditions:
- 17 “(i) Requiring the applicant to obtain an amendment to the provisional operating permit if nec-
- 18 essary to conform with a subsequently obtained federal, state or local permit or approval; and
- 19 “(ii) Prohibiting the applicant from allowing or engaging in any surface mining operations on
- 20 the land prior to the effective date of the provisional operating permit.”.
- 21 On page 7, line 10, delete “may contain” and insert “shall contain reasonable”.
- 22 In line 11, delete “addressing” and insert “designed to avoid or minimize”.
- 23 Delete lines 13 through 19 and insert:
- 24 “(a) A permit issued by a federal, state or local permitting agency approving the mining opera-
- 25 tion does not include provisions to mitigate the adverse effect; and
- 26 “(b) The land use decision issued by the local government approving the mining operation does
- 27 not include provisions to mitigate the adverse effect.”.
- 28 On page 10, line 9, after “owner” insert “or lessee”.
- 29 Delete lines 20 through 28 and insert:
- 30 “(b) The department shall avoid or minimize the conflicts identified by the project coordinating
- 31 committee under this subsection through the imposition of one or more permit conditions. The per-
- 32 mit conditions imposed by the department pursuant to this paragraph may include, but are not lim-
- 33 ited to:
- 34 “(A) A permit condition suggested by the project coordinating committee;
- 35 “(B) A requirement that the operator fulfill the terms of a written agreement to compensate one

1 or more owners or lessees of private property located within the impact area for loss of crops or
2 reduced agricultural production or use of the land; or

3 “(C) Other reasonable and practicable measures to avoid or minimize the conflicts, as deter-
4 mined by the department.

5 “(c) For purposes of this subsection, the department shall determine the impact area of the
6 proposed mining operation.”.

7 Delete line 40 and insert “are reasonable and designed to avoid or minimize the adverse
8 effect;”.

9 In line 41, delete the boldfaced material.

10 On page 11, line 1, delete “45” and insert “60”.

11 Delete lines 12 through 36.

12 In line 37, delete “15” and insert “12”.

13 On page 12, line 10, delete “16” and insert “13”.

14 In line 14, delete “17” and insert “14”.

15 Delete lines 33 through 42 and insert:

16 **“SECTION 15. The amendments to ORS 215.298 by section 1 of this 2017 Act apply to**
17 **prospective mining operations for which the applicant has not filed a notice of intent to**
18 **submit an application with the State Department of Geology and Mineral Industries on or**
19 **before the effective date of this 2017 Act.”.**

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