

Requested by Senator COURTNEY

**PROPOSED AMENDMENTS TO  
A-ENGROSSED SENATE BILL 644**

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 deter-  
3 mines that”.

4 On page 2, line 42, delete “has discretion to” and insert “shall”.

5 On page 3, delete lines 9 through 13 and insert:

6 “(6) For purposes of a county determination described in subsection (5)  
7 of this section, the county shall determine the impact area of the proposed  
8 use.”.

9 On page 6, delete lines 16 through 26 and insert:

10 “(5) The department shall issue a provisional operating permit to an ap-  
11 plicant that has not obtained all required federal, state and local permits and  
12 approvals for the proposed mining operation, provided:

13 “(a) The applicant has complied with this chapter and the rules adopted  
14 by the department to carry out the purposes of this chapter; and

15 “(b) The permit:

16 “(A) Does not become effective until the applicant obtains all required  
17 permits and approvals; and

18 “(B) Contains conditions:

19 “(i) Requiring the applicant to obtain an amendment to the provisional  
20 operating permit if necessary to conform with a subsequently obtained fed-  
21 eral, state or local permit or approval; and

1 “(ii) Prohibiting the applicant from allowing or engaging in any surface  
2 mining operations on the land prior to the effective date of the provisional  
3 operating permit.”.

4 On page 7, line 10, delete “may contain” and insert “shall contain rea-  
5 sonable”.

6 In line 11, delete “addressing” and insert “designed to avoid or  
7 minimize”.

8 Delete lines 13 through 19 and insert:

9 “(a) A permit issued by a federal, state or local permitting agency ap-  
10 proving the mining operation does not include provisions to mitigate the  
11 adverse effect; and

12 “(b) The land use decision issued by the local government approving the  
13 mining operation does not include provisions to mitigate the adverse  
14 effect.”.

15 On page 10, line 9, after “owner” insert “or lessee”.

16 Delete lines 20 through 28 and insert:

17 “(b) The department shall avoid or minimize the conflicts identified by the  
18 project coordinating committee under this subsection through the imposition  
19 of one or more permit conditions. The permit conditions imposed by the de-  
20 partment pursuant to this paragraph may include, but are not limited to:

21 “(A) A permit condition suggested by the project coordinating committee;

22 “(B) A requirement that the operator fulfill the terms of a written  
23 agreement to compensate one or more owners or lessees of private property  
24 located within the impact area for loss of crops or reduced agricultural  
25 production or use of the land; or

26 “(C) Other reasonable and practicable measures to avoid or minimize the  
27 conflicts, as determined by the department.

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

30 Delete line 40 and insert “are reasonable and designed to avoid or mini-

1 mize the adverse effect;”.

2 In line 41, delete the boldfaced material.

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

4 Delete lines 12 through 36.

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

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

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

8 Delete lines 33 through 36 and insert:

9 **“SECTION 15. The amendments to ORS 215.298 by section 1 of t this**  
10 **2017 Act apply to prospective mining operations for which the appli-**  
11 **cant has not filed a notice of intent to submit an application with the**  
12 **State Department of Geology and Mineral Industries on or before the**  
13 **effective date of this 2017 Act.”.**

14 Delete lines 37 through 42.

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