

SB 46 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

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Meeting Dates: 1/24

WHAT THE MEASURE DOES:

Adds location on a single lot or parcel or on state or federally managed lands to criteria for requirement to obtain an exclusion certificate (certificate) for a surface mining operation. Exempts operations extracting less than 1,000 cubic yards of minerals from requirement to obtain a certificate. Increases maximum certificate renewal fee to \$165. Excludes from the definition of "surface mining" excavation and grading operations necessary for on-site construction of a building, public improvement, or other physical improvement authorized by the local land use authority, unless the excavated minerals are sold into the commercial market.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Department of Geology and Mineral Industries' (DOGAMI) Mined Land Reclamation Program is the lead program for upland and underground mining regulation in Oregon. State law requires a valid operating permit issued by DOGAMI for any surface mining that exceeds one acre of disturbance in any 12-month period, 5,000 cubic yards of excavation in any 12-month period, or when total disturbance exceeds five acres unless the activity is exempt under ORS 517.700.

In 2015, the Oregon legislature established an exclusion certificate program for small-scale mining operations. Operators must pay a one-time application fee, an annual renewal fee, and submit an annual report. Current law requires an exclusion certificate for any mining activity that removes less than 5,000 cubic yards of material and affects less than one acre of land within a 12-month period.

Senate Bill 46 would add criteria related to location to the description of surface mining operations required to obtain an exclusion certificate and exempt from this requirement activities extracting less than 1,000 cubic yards of minerals. Senate Bill 46 would also exclude specified excavation and grading operations from the definition of surface mining and therefore from the requirement to obtain an operating permit.