

## **SB 46 -3 STAFF MEASURE SUMMARY**

### **Senate Committee On Environment and Natural Resources**

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**Meeting Dates:** 1/24, 4/8

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#### **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:**

-3 Establishes that exclusion certificate is required for a surface mining operation that, within a 12-month period, results in the extraction of between 500 and 5,000 cubic yards of minerals. Specifies that mining conducted under a certificate may expand the affected area by not more than one acre of land within any 12-month period unless the total surface disturbance exceeds five acres. Specifies that surface mining does not include excavation or grading operations that are necessary for on-site construction activities that (1) do not require a local government land use decision or are expressly authorized under state law and (2) do not result in any excavated materials being sold into the commercial aggregate market.

##### **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 therefor from the requirement to obtain an operating permit.