

SB 836-1  
(LC 424)  
3/21/25 (STN/ps)

Requested by Senator NASH

**PROPOSED AMENDMENTS TO  
SENATE BILL 836**

1 On page 1 of the printed bill, delete lines 5 through 30.

2 Delete pages 2 through 5 and insert:

3 **“SECTION 1.** ORS 517.705 is amended to read:

4 “517.705. (1) A person may not engage in onshore exploration that disturbs  
5 more than one surface acre or involves drilling to greater than 50 feet except  
6 in compliance with a permit issued by the State Department of Geology and  
7 Mineral Industries under this section.

8 “(2) An application for an onshore exploration permit must include:

9 “(a) The name and address of the surface owner and mineral owner.

10 “(b) The names and addresses of the persons conducting the exploration.

11 “(c) The name and address of any designated agent.

12 “(d) A brief description of the exploration activities, including:

13 “(A) The amount of road to be constructed;

14 “(B) The number, depth and location of proposed drill holes;

15 “(C) The number, depth and location of proposed monitoring wells; and

16 “(D) The number, length, width and depth of exploration trenches.

17 “(e) Provisions for the reclamation of surface disturbance caused by ex-  
18 ploration activities.

19 “(f) Exploration drill hole or monitoring well abandonment procedures,  
20 including:

21 “(A) The capping of all holes;

1 “(B) The plugging of any hole producing surface flow; and

2 “(C) Appropriate sealing for any holes which have encountered aquifers.

3 “(g) An exploration boundary map with the location of the proposed ex-  
4 ploration and delineation of exploration boundaries.

5 “(h) Such other information as the department by rule may require to  
6 assess the impacts of the proposed exploration.

7 “(i) A nonrefundable fee of [~~\$2,000~~] **\$3,000** per application.

8 “(3) Each permit application may include a single contiguous exploration  
9 boundary that is no more than 640 acres.

10 “(4) Any production records, mineral assessments or trade secrets sub-  
11 mitted as part of the application under subsection (2) of this section are  
12 confidential.

13 **“SECTION 2.** ORS 517.710 is amended to read:

14 “517.710. (1) If the person conducting an exploration under a permit issued  
15 under ORS 517.705 is not in violation of ORS 517.702 to 517.740 or 517.810  
16 or any terms of the permit and has paid an annual renewal fee not to exceed  
17 [~~\$1,460~~] **\$2,190** prior to the anniversary date of the permit as established by  
18 the State Department of Geology and Mineral Industries, the department  
19 shall renew the permit.

20 “(2) Nothing in this section prevents the department from suspending or  
21 revoking a permit for violations of ORS 517.702 to 517.740 or 517.810 or tak-  
22 ing any other action authorized under this chapter.

23 **“SECTION 3.** ORS 517.753 is amended to read:

24 “517.753. (1) Notwithstanding the yard and acre limitations of ORS 517.750  
25 (16), a person may not engage in surface mining that results in the extraction  
26 of 5,000 cubic yards or less of minerals or affects less than one acre of land  
27 within a period of 12 consecutive calendar months except in compliance with  
28 an exclusion certificate issued by the State Department of Geology and  
29 Mineral Industries under this section. Except as provided in ORS 517.755, a  
30 mining operation subject to a valid exclusion certificate is not subject to the

operating permit or reclamation requirements set forth in ORS 517.702 to 517.989.

“(2) A person shall submit an exclusion certificate application on a form provided by the department, accompanied by a fee not to exceed \$400. If the department does not approve or disapprove the application within 90 days after the date the application is filed with the department, the application shall be deemed approved.

“(3) Each holder of an exclusion certificate shall annually pay to the department a renewal fee not to exceed [~~\$165~~] **\$247.50**, accompanied by a description of:

“(a) The amount of minerals extracted pursuant to the certificate during the previous 12 months;

“(b) The total acreage of surface disturbance by the mining operation as of the date that the renewal is submitted; and

“(c) Any additional information required by the department to determine that the mining operation continues to qualify for an exclusion certificate.

**“SECTION 4.** ORS 517.800 is amended to read:

“517.800. (1)(a) Except for an application for a mining operation submitted under ORS 517.910 to 517.989, each applicant for an operating permit under ORS 517.702 to 517.989 shall pay to the State Department of Geology and Mineral Industries a fee established by the State Geologist in an amount not to exceed [~~\$2,000~~] **\$3,000**.

“(b) If an application for a new permit or an amendment to an existing permit requires extraordinary department resources because of concerns about slope stability or proximity to waters of the state or other environmentally sensitive areas, the applicant shall pay to the department an additional fee in an amount the State Geologist deems adequate to cover the additional costs for staff and other related expenses. The State Geologist shall consult with the applicant when determining the amount of the fee.

“(2) A holder of an operating permit that did not extract minerals during

1 the preceding 12-month period shall pay to the department an annual renewal  
2 fee of [~~\$1,200~~] **\$1,800**. A holder of an operating permit that extracted minerals  
3 during the preceding 12-month period shall pay to the department an annual  
4 renewal fee of [~~\$1,460~~] **\$2,190** and [~~\$0.0125~~] **\$0.01875** per ton of minerals ex-  
5 tracted during the preceding 12-month period.

6 “(3) If a reclamation plan is changed, the operator may be assessed for  
7 staff time and other related costs **in** an amount not to exceed [~~\$2,000~~] **\$3,000**  
8 in addition to the annual renewal fee. This subsection does not apply to a  
9 mining operation that is subject to the fee established by ORS 517.973 (2)(a).

10 “(4) If an operator requests that the department respond to requests for  
11 information required by a local government in making a land use planning  
12 decision, the State Geologist may require the operator to pay the department  
13 a fee for staff time and related costs. The department shall notify the oper-  
14 ator in advance of the estimated costs of providing the information, and the  
15 assessment may not exceed the estimate.

16 “(5) The State Geologist may require the operator of a site to pay to the  
17 department a special inspection fee in an amount not to exceed [~~\$2,000~~]  
18 **\$3,000** for an inspection conducted under the following circumstances:

19 “(a) Investigation of surface mining operations conducted without the  
20 operating permit required under ORS 517.790; or

21 “(b) Investigation of surface mining operations conducted outside the area  
22 authorized in an operating permit.

23 “(6) Upon request of an applicant or operator, the department shall pro-  
24 vide an itemized list and documentation of expenses used to determine a fee  
25 under subsection (1)(b), (3) or (4) of this section.

26 “(7) Notwithstanding the per ton fee established in subsection (2) of this  
27 section, the governing board of the department may lower to zero or raise  
28 the per ton fee up to [~~\$0.015~~] **\$0.0225** to reflect actual expenses of the de-  
29 partment in administering ORS 517.702 to 517.951.

30 “(8) All fees collected by the department under this section shall be de-

1 posited in the Mined Land Regulation and Reclamation Program Subaccount  
2 within the Geology and Mineral Industries Account. The department shall  
3 prepare and submit to the governing board of the department an annual re-  
4 port on the financial status of the Mined Land Regulation and Reclamation  
5 Program Subaccount.

6 “(9) The governing board of the department shall adopt rules establishing:

7 “(a) Procedures for the administrative review of the determinations of fees  
8 under this section.

9 “(b) The payment date for fees required under this section.

10 “(c) Late fees of up to five percent of the unpaid amount of a fee owed  
11 under this section if the fee is more than 60 days past due.

12 **“SECTION 5.** ORS 517.973 is amended to read:

13 “517.973. (1) In addition to any permit fee required by any other permit-  
14 ting agency, each notice of intent to submit a consolidated application under  
15 ORS 517.961 must be accompanied by an initial fee established by the State  
16 Geologist in an amount not to exceed [~~\$2,000~~] **\$3,000**.

17 “(2)(a) Annually on the anniversary date of an operating permit, each  
18 holder of an operating permit shall pay to the State Department of Geology  
19 and Mineral Industries a renewal fee established by the State Geologist in  
20 an amount not less than \$2,500.

21 “(b) In addition to the fee prescribed in paragraph (a) of this subsection,  
22 the department may charge an amount not to exceed [~~\$1,200~~] **\$1,800** for in-  
23 spections made at sites if the surface mining is:

24 “(A) Conducted without the permit required by ORS 517.790;

25 “(B) Abandoned; or

26 “(C) Conducted in an area not described in the surface mining permit.

27 “(3) Subject to the provisions of subsection (5) of this section, the pro-  
28 spective applicant or applicant shall pay all expenses incurred by the de-  
29 partment and the permitting and cooperating agencies related to the  
30 consolidated application process under ORS 517.952 to 517.989. These ex-

penses may include legal expenses, expenses incurred in processing and evaluating the consolidated application, issuing a permit or final order and expenses of hiring a third party contractor under ORS 517.979 and 517.980.

“(4) If the costs exceed the fee, the prospective applicant or applicant shall pay any excess costs shown in an itemized statement prepared by the department. The department and permitting and cooperating agencies may not incur evaluation expenses in excess of 110 percent of the fee initially paid unless the department provides prior notification to the prospective applicant or applicant and a detailed projected budget the department believes necessary to complete the process or a portion of the process under ORS 517.952 to 517.989. If the actual costs are less than the fee paid, the department shall refund the excess to the prospective applicant or applicant.

“(5) All expenses incurred by the department and the permitting and cooperating agencies under ORS 517.952 to 517.989 that are charged to or allocated to the fee paid by a prospective applicant or an applicant shall be necessary, just and reasonable. Upon request, the department shall provide a detailed justification for all charges to the prospective applicant or applicant.

**“SECTION 6.** ORS 520.017 is amended to read:

“520.017. (1) The following fees are established under this chapter:

“(a) The application fee for a permit to drill a well is [~~\$2,000~~] **\$3,000**.

“(b) The fee to modify a well permit, information hole permit or seismic program permit is [~~\$2,000~~] **\$3,000**.

“(c) The annual renewal fee for a well permit, information hole permit or seismic program permit is [~~\$1,160~~] **\$1,740**.

“(d) The application fee for a permit to drill an information hole may not exceed [~~\$2,000~~] **\$3,000** per five information holes drilled in a contiguous 640-acre area. The State Department of Geology and Mineral Industries shall base the fee on the estimated cost of review and approval and the number and location of information holes to be drilled.

1 “(e) The fee for approval of a seismic program may not exceed [\$2,000]  
2 **\$3,000**. The department shall base the fee on the estimated cost of review and  
3 approval.

4 “(f) A permittee that requests to transfer a well permit, information hole  
5 permit or seismic program permit must pay a nonrefundable fee of [\$2,000]  
6 **\$3,000** at the time of the request.

7 “(2) The governing board of the department by rule may specify a sched-  
8 ule of fees for costs incurred by the department for activities related to field  
9 designation for purposes of this section.

10 “(3) All moneys received by the department under this section shall be  
11 paid into the State Treasury and deposited in the General Fund to the credit  
12 of the Geology and Mineral Industries Account established in ORS 516.070.

13 **“SECTION 7.** ORS 522.055 is amended to read:

14 “522.055. (1) A person may not engage in drilling a prospect well except  
15 in compliance with a permit issued by the State Department of Geology and  
16 Mineral Industries under this section.

17 “(2) An application for a permit to drill prospect wells must include:

18 “(a) A plugging and decommissioning plan;

19 “(b) Such other information as the department by rule may require to  
20 assess the impacts of the proposed prospect well; and

21 “(c) A nonrefundable fee as determined by the department based on the  
22 estimated cost of review of the proposed prospect wells, not to exceed  
23 [\$2,000] **\$3,000** per application or permit modification.

24 “(3) Each application may include up to five prospect wells per project  
25 area. The project area must be contiguous and include no more than 640  
26 acres.

27 “(4) A permit to drill remains valid until it is revoked or modified by the  
28 department based on new information or changed conditions.

29 “(5) The permittee shall pay the department an annual nonrefundable re-  
30 newal fee of [\$2,725] **\$4,087.50** on or before the anniversary of each active

1 permit.

2 “(6) A permittee that requests to transfer a permit issued under this sec-  
3 tion shall pay a nonrefundable fee of [~~\$2,000~~] **\$3,000** at the time of the re-  
4 quest.

5 “(7) All moneys received by the department under this section shall be  
6 paid into the State Treasury and deposited in the General Fund to the credit  
7 of the Geology and Mineral Industries Account established by ORS 516.070.

8 **“SECTION 8.** ORS 522.115 is amended to read:

9 “522.115. (1) A person may not engage in the drilling or operating of any  
10 geothermal well except in compliance with a permit issued by the State De-  
11 partment of Geology and Mineral Industries under this section.

12 “(2) An application for a permit to drill or operate a geothermal well must  
13 include:

14 “(a) The location and elevation of the floor of the proposed derrick.

15 “(b) The number or other designation approved by the department by  
16 which the well shall be known.

17 “(c) The applicant’s estimate of the depths to be drilled.

18 “(d) The nature and character of the geothermal resource sought.

19 “(e) A reclamation plan for the well pad.

20 “(f) Such other information as the department by rule may require to as-  
21 sess the impact of the proposed geothermal well.

22 “(g) A nonrefundable fee of [~~\$2,000~~] **\$3,000**.

23 “(3) The permittee shall pay an annual nonrefundable renewal fee of  
24 [~~\$2,725~~] **\$4,087.50** on or before the anniversary of each active permit.

25 “(4) A request by a permittee to modify a permit shall be accompanied  
26 by a nonrefundable fee not to exceed [~~\$2,000~~] **\$3,000**.

27 “(5) A request by a permittee to transfer a permit issued under this sec-  
28 tion must be accompanied by a nonrefundable fee of [~~\$2,000~~] **\$3,000**.

29 “(6) All moneys received by the department under this section shall be  
30 paid into the State Treasury and deposited in the General Fund to the credit



1 of the Geology and Mineral Industries Account established by ORS  
2 516.070.”.

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