

**Oregon Department of Geology and Mineral Industries (DOGAMI)
Mineral Land Regulation and Reclamation (MLRR) Program**

Land Use – FAQs

Do I have to have land use approval in order to mine under an Operating Permit?

Yes. Per OAR 632-030-0030(7)(b), the applicant must receive land use authorization from the local land use jurisdiction prior to commencing surface mining operations at the site.

How does DOGAMI coordinate with the local land use jurisdiction?

Per ORS 517.830, when DOGAMI receives an application for an Operating Permit or Amendment, DOGAMI is required to notify the local land use jurisdiction that the application has been received and to provide the local land use jurisdiction the opportunity to request that DOGAMI delay a decision on an Operating Permit.

Do I have to have land use approval before I apply for an Operating Permit?

No. Applicants can apply for a DOGAMI Operating Permit without having land use approval. DOGAMI can only issue an Operating Permit if all required state, federal, and local government approvals have been obtained, otherwise a Provisional Operating Permit will be issued. The Provisional Operating Permit would prohibit any mining until land use and all other required state, federal, and local government permits are acquired. If DOGAMI determines that the third party permits or approvals, including land use, result in significant changes to the plans approved by DOGAMI, an Amendment to the Operating Permit and/or additional permit conditions will be required prior to issuing the new Operating Permit and conducting any mining operations at the site.

Obtaining land use approval prior to applying for an Operating Permit will typically expedite the issuance of an Operating Permit, minimize application fees, and avoid the requirement to amend the provisional permit prior to commencing operations at the site.

Can I obtain an Operating Permit if my land use application was denied?

No. Per ORS 517.830(4), DOGAMI may not approve an Operating Permit and Reclamation Plan if the land use approval application is denied.

What happens if my land use approvals change/expire/expand?

An Operating Permit is not a finding of compliance with statewide planning goals or the acknowledged Comprehensive Plan. Therefore, the permittee must have land use approval from the local land use jurisdiction for all mining-related disturbances and activities. If the land use expires or is remanded, surface mining operations at the site are no longer approved and the permittee will need to either re-establish the land use approval or cease mining and reclaim the site in order to close the Operating Permit.

If land use approval is reaffirmed you must submit that documentation to DOGAMI. If new land use approval is obtained and includes changes to the operation or approved area, the permittee must complete an Amendment to the Operating Permit prior to expanding operations outside of the existing permitted area or making any other substantial changes to the approved operating and reclamation plan.

Does my land use expire?

Perhaps. Some conditional use approvals are only good for a specified period of time and must be proactively renewed. Depending on the county and type of permit/approval you have obtained, renewals may be necessary. It is important that the permittee/applicant/landowner ensure that the land use approval conditions and requirements are well understood.