

DEPARTMENT OF GEOLOGY
AND MINERAL INDUSTRIES

STATE AGENCY COORDINATION PROGRAM

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TABLE OF CONTENTS

	Page
EXECUTIVE SUMMARY	i
I. INTRODUCTION	1
A) State Agency Coordination Requirement	1
B) Previous DOGAMI State Agency Coordination Programs	2
C) Department Mission	3
D) Department Duties and Responsibilities	4
E) Department Organization	4
II. DEPARTMENT RULES AND PROGRAMS	5
A) Department of Geology and Mineral Industries Rules and Programs	5
B) County Reclamation Programs	9
C) State Land Use Regulations for Department Programs Affecting Land Use on Agricultural and Forest Land	10
D) Non-Rule Administrative Procedures	12
E) Operation of Department Permit Programs	12
F) Department Rules and Programs Affecting Land Use	19
G) Department Programs Listed in Statewide Planning Goals	20
H) Department Programs Reasonably Expected to Have Significant Effects	20
I) Department Programs Subject to LCDC Permit Compliance and Compatibility Rules (OAR 660, Division 31)	23
III. DEPARTMENT RULES AND PROCEDURES TO ASSURE COMPLIANCE WITH THE STATEWIDE PLANNING GOALS AND COMPATIBILITY WITH ACKNOWLEDGED COMPREHENSIVE PLANS AND LAND USE REGULATIONS	24
A) Exempt and Compatible Land Use Programs	24
B) Department Rules and Programs to Assure Compliance with Statewide Planning Goals	25
C) Department Rules and Procedures for Assuring Compatibility with Acknowledged Comprehensive Plans	27
D) Columbia River Gorge Scenic Area	28
E) Dispute Resolution	29
F) Compliance and Compatibility of New or Amended Department Land Use Programs	29
IV. DEPARTMENT PROGRAM FOR COOPERATION WITH THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT AND OTHER STATE AND FEDERAL AGENCIES AND SPECIAL DISTRICTS	31

V.	PROGRAM FOR COOPERATION AND TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS	33
A)	Public Information	33
B)	Program Types	34
C)	Department Programs Useful to Land Use Planners	35
D)	Department Program for Cooperation and Technical Assistance to Local Governments	35
E)	Department Program for Cooperative and Technical Assistance to Coastal Governments	36
F)	Department involvement in periodic review	36
	Appendix A: State Agency Coordination Program Rule	40
	Appendix B: Department Organization Chart	41
	Appendix C: Statutes	42
	Appendix D: Rules	43
	Appendix E: Letters and Legal Opinions	44

EXECUTIVE SUMMARY

ORS 197.180 and OAR Chapter 660, Divisions 30 and 31, require state agencies to prepare a coordination program to assure that agency programs and actions affecting land use comply with the statewide planning goals and are compatible with acknowledged comprehensive plans and land use regulations. State Agency Coordination (SAC) programs must describe agency rules and programs, evaluate agency rules and programs affecting land use, and provide for coordination and technical assistance to other state and federal agencies and local governments, as well as assure compliance and compatibility.

With cooperation of the DLCD staff, the Department determined the following programs affect land use as that term is defined in OAR Chapter 660, Division 30:

- * Issuing permits for surface mine reclamation under ORS Chapter 517, which include:
 - a. Permits for mineral and aggregate mining under OAR 632, Division 30,
 - b. Permits for mining of coal and metal-bearing ores under OAR 632, Division 35, and
 - c. Permits for chemical process mining under ORS 632, Division 37;
- * Issuing permits for oil and gas well drilling under ORS Chapter 520, and OAR 632 Division 10; and
- * Issuing permits for geothermal well drilling under ORS Chapter 522, and OAR 632 Division 20.

The Department's SAC Program approved by the Governing Board of the Department and submitted to the Land Conservation and Development Commission for certification consists of the SAC Program document and the administrative rule to assure compatibility and compliance (OAR Chapter 632, Division 1).

The SAC Program document and rule detail the coordination procedures to which the Department will adhere to assure goal compliance and compatibility with acknowledged plans and land use regulations. Submitted with the Department's SAC Program are the Department's statutes, rules, and other supporting documents, presented as appendices. The Department SAC rule is found in OAR Chapter 632, Division 1.

I. INTRODUCTION

A) Agency Coordination Requirement;

In accordance with Oregon Revised Statutes (ORS) 197.180, each state agency is required to prepare a State Agency Coordination Program (SAC) to assure that its "rules and programs affecting land use" comply with the Statewide Land Use Planning Goals and are compatible with acknowledged city and county comprehensive plans and land use regulations.

ORS 197.180 is implemented by Oregon Administrative Rule (OAR) 660-30, which defines and explains the requirements a state agency must address in its State Agency Coordination program.

- 1) Agency rules and programs must be described;
- 2) An evaluation must be made to identify agency "rules" and programs affecting land use", as that phrase is defined in OAR Chapter 660 Division 30-005 (2). Rules and programs found to have such effect on land use are known as "land use programs".
- 3) For each "land use program", the SAC program must include an explanation of how the agency will:
 - a) Assure compliance with the Statewide Planning Goals and compatibility with acknowledged comprehensive plans and land use regulations;
 - b) Assure coordination with federal and other state agencies, the Department of Land Conservation and Development (DLCD), local governments and special districts.
 - c) Assure cooperation with and technical assistance to local governments.

ORS 197.180 and OAR 660-30 require that a State Agency Coordination Program be "certified" by the Land Conservation and Development Commission, (LCDC), after public notice has been provided and upon findings by the LCDC that the SAC Program meets the requirements specified in ORS 197.180, OAR Chapter 660, Division 30, and Chapter 660, Division 31.

This SAC program has been prepared in conformance with all requirements of ORS 197.180 and OAR 660-30. Upon certification by the LCDC, the provisions of this revised Department of Geology and Mineral Industries (DOGAMI) State Agency Coordination Program will supersede those of the Department's 1983 SAC Program.

General coordination requirements described in this SAC are founded in the statutory coordination language for mining (mineral, aggregate, coal, metals, chemical process) (ORS 517), oil and gas (ORS 520), and geothermal energy (ORS 522). In addition, the Department serves as the bureau of geologic and mining information for the state in accordance with ORS 516.830.

B) Previous DOGAMI State Agency Coordination Programs;

The first DOGAMI State Agency Coordination Program was approved by LCDC on April 18, 1978. A separate Agency Permit Consistency Plan was approved by LCDC on May 3, 1979.

In 1983, DOGAMI submitted and LCDC certified, a revised SAC program. This 1992 Coordination Plan updates the 1983 SAC Program Plan to address changes in the Department since 1983 and recent amendments to LCDC SAC rules and state mining statutes (ORS 517). This program also refines the Department's Permit Consistency process through the insertion of cross referencing for statutes and rules.

The bulk of the coordination described within this SAC is guided also by statutes for geologic information (ORS 516), oil and gas (ORS 520), mining (mineral, aggregate, coal, metal, and chemical process) (ORS 517), and geothermal (ORS 522).

C) Department Mission;

The Department of Geology and Mineral Industries was created by the Legislature in 1937 (ORS Chapter 516).

Other more recent statutes directly affecting the Department include ORS 517 (Mining and Mining Claims), ORS 520 (Conservation of Gas and Oil) and ORS 522 (Geothermal Resources).

The Governing Board of the Department consists of three individuals appointed by the Governor for terms of four years each. Appointments are subject to approval by the Senate as provided in ORS 171.562 and 171.565. Meetings are held at least four times a year. The Governing Board defines missions and goals for the Agency on a six-year cycle.

The mission of the Department as set forth in ORS 516 is to:

- * Gather and interpret geologic information
- * Inventory mineral resources and perform geologic investigations as needed for Oregon
- * Educate the public and the geologic community by publishing maps and reports
- * Regulate oil, gas, geothermal and mined lands exploration, production and reclamation to protect the public health, welfare and environment
- * Serve as bureau of information concerning geologic hazards, mineral resources, mineral industry, and geology.

The Department employs a staff of professional geologists, engineers, chemists, cartographers and editors to conduct or manage various programs involving geologic mapping, appraisal of mineral resources, geologic hazards, regulatory programs, and information dissemination.

Agency staff is diverse in responsibilities and rather limited in size. Efforts at coordination are selectively pursued and are very much limited by available resources. Total staff numbers about 35.

D) Department Duties and Responsibilities;

ORS 516 establishes the duties and responsibilities of the Department. They include (within budgetary resources):

- 1) Initiate and conduct studies and surveys of the geological and mineral resources of the state and their commercial utility; and conduct as a continuing project a geological survey of Oregon, either as a department undertaking or jointly with federal or agencies.
- 2) Consider and study kindred scientific and economic questions in the field of geology and mining that are deemed of value to the people of Oregon.
- 3) Cooperate with federal or other agencies for the performance of work.
- 4) Serve as a bureau of information concerning Oregon mineral resources, mineral industries, geologic hazards and geology; conduct mineral surveys of the state.
- 5) Collect a library of literature describing the geology and mineral deposits, metallic and nonmetallic, of Oregon.
- 6) Study geologic hazards with emphasis on earthquakes and coastal erosion to reduce loss of life and property. Include mapping of hazards, estimation of their potential consequences and likelihood of occurrence; study paleoseismicity.
- 7) Regulate oil, gas, geothermal drilling and production and regulate mineral, aggregate, coal, metals and chemical process mining and reclamation.
- 8) Provide technical assistance to local governments on mining and reclamation during preparation, amendment and implementation of local plans and ordinances.

E) Department Organization;

The Department of Geology and Mineral Industries maintains its headquarters in Portland. The Department is managed by the State Geologist (Director) and Deputy State Geologist. Field offices are maintained in Baker City, Grants Pass, and Albany.

The Department is divided into three programs.

Program 1 consists of geologists and engineers who conduct or manage various subprograms and projects involving geologic mapping, appraisal of mineral resources and geologic hazards, or who supervise regulatory programs.

Program 2 consists of the Mined Land Reclamation regulatory program, operated from the Albany field office.

Program 3 is support services, consisting of the business office, cartographic and editing functions, library, secretarial functions, and the geochemical laboratory.

II. DEPARTMENT RULES AND PROGRAMS;

This section addresses the requirements of LCDC's SAC rules, specifically OAR 660-30-060(3). It describes the Department's statutes, administrative rules, programs, and those programs which affect land use.

A) Department of Geology and Mineral Industries Rules and Programs;

This section provides a summary of statutes and programs of the Department.

1) Statutes (copies are in Appendix)

ORS CITATION

BRIEF DESCRIPTION

- Chapter 516 Enabling statute. Establishes powers and duties of Department, sets up Governing Board, provides authority to perform geological surveys and print publications. Provides for appointment of State Geologist.
- Chapter 517 Establishes surface mining reclamation program, permits, bonding, standards for reclaiming mined sites.
- Chapter 520 Establishes regulatory program for oil and gas exploration and development. Designates fee, bond, gives authority to write rules. Outlines spacing units and unit operations concepts.
- Chapter 522 Establishes regulatory program for geothermal resource exploration and development. Sets fees, bonds, permit process, abandonment standards. Allows unitization, requires well records, authorizes rulemaking.

2) Department Administrative Rules (copies are in Appendix)

- OAR 632 Division 1: Miscellaneous administration, land use coordination;
OAR 632 Division 10: Rules governing oil and gas exploration and production.
OAR 632 Division 15: Rules governing information and seismic holes.
OAR 632 Division 20: Rules governing geothermal resources exploration and production.
OAR 632 Division 30: Rules governing mined land reclamation, aggregate resources.
OAR 632 Division 33: Rules governing mineral exploration holes.
OAR 632 Division 35: Rules governing mined land reclamation, coal and metal-bearing ores.
OAR 632 Division 37: Rules governing mined land reclamation, for chemical process mining.

3) Department Programs

PROGRAM

DESCRIPTION

- Geologic Mapping
Geologic maps provide the framework for mineral resource appraisal, identification of geologic hazards, inventory of ground-water resources, and design of construction projects. The continuing preparation of geologic maps is a central function of the Department, as provided by ORS 516.030.
- Survey and Inventory of Mineral Resources
An improved knowledge of mineral resources is needed to further economic development goals, achieve realistic land-use planning for federal, state and private lands, and to encourage conservation of nonrenewable resources. The Department is instructed in ORS 516.030 to survey and inventory the mineral resources of Oregon.
- Geologic Hazards Assessment
Study and assessment of geologic hazards to reduce loss of life and property, to estimate likelihood of occurrence and consequences of geologic hazards such as earthquakes, and to develop hazard reduction mitigation methods. This function is provided for in ORS 516.

- Survey and Inventory of Petroleum & Natural Gas Resources

The development of oil and gas requires improved geologic information, since geologic structures are the traps that contain accumulations of valuable hydrocarbons. As geologic hypotheses evolve, it is necessary to continuously reinterpret the information from previous wells and surface mapping to increase geologists' understanding of subsurface geologic conditions. These geologic data are also needed to insure responsible regulation of drilling operations and to guide realistic land-use decisions.

- Survey and Inventory of Geothermal Energy Resources

The development of geothermal-energy resources in Oregon is in a preliminary stage. Utilization is currently concentrated at Klamath Falls and Lakeview, and future expansion will depend on the discovery of new reservoirs. Large areas of the state, especially the Cascade Range in western Oregon and portions of Harney, Lake, and Malheur Counties in southeastern Oregon, are geologically favorable for such discoveries.

- Technical Services

In order to develop and disseminate technical data, it is necessary to maintain specialized laboratory, cartographic, editorial, and library staff and facilities. The requisite authority is provided by ORS 516.035, 516.050, 516.060, and 516.100.

The dissemination of geologic, geochemical, and geophysical information is done by the publication of maps and reports, for sale to users.

At the Portland office in the new State Office Building, the Agency oversees an outlet counter for natural resource information developed by various natural resource agencies, thus providing a point of information access for the public.

As the Department shifts emphasis on the nature and location of field investigations, it will be necessary to continue to strengthen the capabilities of the technical support services, including the analytical laboratory, publication section, and library, that are an integral part of all projects.

- Reclamation of mining sites (mineral, aggregate, coal metals, chemical process mining)

Reclamation of mined lands is necessary to prevent development of undesirable land, water, and air conditions detrimental to the safety, health, welfare, and property rights of the general public.

The goal of the Mined Land Reclamation Program is to provide for technically sound mining and to assure beneficial subsequent use of mined lands that is consistent with the interests of property owners and Federal, State, and local governments; realistic in terms of the limitations and potential uses of the land; and equitable in terms of industry needs. Under this program, appropriate reclamation is required of mining sites meeting criteria in the statute (ORS 517.750(15), 517.755). Technical permits issued by this section of the department direct how reclamation is to occur if the mining applicant receives land use approval from the local government.

In the case of chemical process mines, the coordination of agency permit reviews, land use issues and other technical matters associated with chemical process mining and reclamation are the responsibility of the Project Coordinating Committee established by ORS 517.965. The Department shall consider and may rely on the findings of the project coordinating committee as to whether or not the proposed permit and reclamation plan are compatible with the acknowledged comprehensive plan(s). OAR 632-01-015.

- Oil and Gas
Regulation

The development of energy minerals such as natural gas and petroleum requires careful regulation to insure conservation of the resources; to protect the correlative rights of mineral owners; and to protect the safety, health, and welfare of Oregonians and to protect the environment.

Because geology plays such a significant part in the formation of the resource and in the design and operation of wells, geologic expertise is properly an integral part of the regulatory procedure. The Department's technical permits specify how drilling and production are to occur if it is approved as a land use activity by local government.

Authority to regulate drilling for oil and gas exploration and production is assigned to the Department in ORS 520. Staff expertise in deep-well technology and staff experience in the geology of the state are needed for the complex decision making of this activity.

- Geothermal Energy
Regulation

Regulation is also necessary for geothermal exploration to insure conservation of the resources, and to protect the safety, health and welfare of citizens and the environment.

Authority to regulate drilling for geothermal energy resources exploration and production is assigned to the Department in ORS 522. The Agency technical permits specify how drilling and production are to occur, if it is approved as a land use activity by local government.

B) County Reclamation Programs;

When the Mined Land Reclamation (MLR) program was started, counties were given the option of having their own program rather than following the MLR state program. Columbia County chose to do so, and continues to maintain its own program.

Under other provisions, Clackamas County and Umatilla County temporarily took over the program, but both have returned them citing workload and technical expertise as issues. Since 1983 it has not been possible for counties to enact mined land reclamation ordinances under state law. Mine related issues are addressed in part through zoning ordinances and performance standards. Coordination of state reclamation permits with county land use concerns is required in ORS 517.830 (1991 amendments).

Authority and the procedures for making land use decisions properly rest with the local jurisdictions. Generally, a determination of whether or not surface mining or drilling for geothermal energy, oil and gas are allowed uses in a particular area is dependent upon the comprehensive plan and ordinances of the particular jurisdiction. Further, the land use treatment of mining, oil and gas and geothermal by each of the 36 counties varies widely.

C) State Land Use Regulations for Department Programs Affecting Land Use on Agricultural and Forest Land;

Agricultural lands: State statutes (ORS 215.298) require a local land use permit to mine more than 1000 cubic yards of material or to excavate a surface area of more than one acre in an exclusive farm use (EFU) zone. This statutory provision also requires that a local land use permit to mine aggregate material can only be issued for a site included on an inventory in an acknowledged comprehensive plan.

Under either ORS 215.213 or alternative provision ORS 215.283, the following are permitted uses: operations for the exploration for and production of geothermal resources as defined by ORS 522.005, and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. Also permitted are operations for the exploration for minerals as defined by ORS 517.750. Local government may require permits for these activities, but is not required by state law to do so.

These statutes also allow the following uses as conditional uses if the appropriate findings are made by the governing body: (1) operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted as noted above; (2) mining of aggregate and other mineral resources and other subsurface resources; (3) processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement, and (4) processing of other mineral resources and other subsurface resources.

Forest lands: State policy regarding appropriate uses and activities allowed on forest lands is contained primarily in the State Forest Practice Act (ORS Chapter 527), Statewide Planning Goal 4 (Forest Lands), and LDCD's Administrative

rule to implement Goal 4 (OAR 660, Division 6). As with agricultural land, Goal 5 protects mineral and aggregate resources through the Goal 5 process on forest lands unless preempted as provided in ORS 197.277.

With respect to mining, any mining activity on forest land which is auxiliary to a forest operation is subject only to Forest Practices Act regulations listed in ORS 527.722. Mining uses allowed outright in forest lands include: (1) exploration for mineral and aggregate resources as defined in ORS Chapter 517; and (2) exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operations of compressors, separators, and other customary production equipment for an individual well adjacent to the wellhead. See OAR 660-06-025(3)(e) and (m).

Mining uses on forest land subject to review standards in the Goal 4 rule include mining and processing of oil, gas and other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted as outright uses under the Goal 4 rule, and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517. See OAR 660-06-025(4)(F).

D) Non-Rule Administrative Procedures;

The Department Policies and Procedures Manual is an internal Department document containing one section on "Policies with Respect to Technical Natural Resources Coordination". The section states:

- 1) This policy is intended to promote legitimate coordination or cooperation with other state agencies. Legitimate cooperation is characterized by either of the following:
 - a) Specific requests for technical information assistance or advice by staff members of other agencies.
 - b) Agency coordination or task forces for which the Department is requested by the Governor's Office or legislative authority.
- 2) Participation of DOGAMI staff in the regulatory activities of other agencies with respect to ground water or other natural resource issues:
 - a) Shall conform to DOGAMI Statutes and Rules,
 - b) Shall be requested by a legitimate source,
 - c) Shall be coordinated with Agency Administration, and
 - d) Shall not unilaterally exceed the scope of one's duties within the Department.
- 3) The interests of state government are best served when employees of a given agency limit the scope of their activities to those vested in their agency and not to any other agency. This guideline must supersede personal interest or opinion.

E) Operation of Department Permit Programs;

The following describes the major steps the Department takes in issuing permits under the MLR, oil and gas, and geothermal programs.

- 1) Mined Land Reclamation (MLR)
 - a) The MLR Statute was passed by the legislature in 1971, setting up a regulatory process for surface mines to ensure reclamation of mine sites as acreage is removed from mineral production. A permit process as well as bonding and site inspection systems have been instituted. The program applies to all counties except Columbia County, which continues to operate its own mining regulations.

The MLR permitted activities under OAR 632-30, -35, and -37 affect land use because during the mining period the land is removed from other possible uses. Reclamation makes the land available for other subsequent beneficial uses. These MLR permitted activities also affect land use because of the impact of mining on the land being mined and on surrounding resources and land uses, as well as on future uses of the land.

The Agency has no authority for sand and gravel regulations in the beds and banks of rivers. These are regulated by the Division of State Lands.

- b) Permits are technical in nature and, except for chemical process mining, do not require a hearing (ORS 517.790 and ORS 517.915).
- c) Required coordination is specified in ORS 517.760, 517.830, and OAR 632, Divisions 1, 30, and 35. Upon receipt of the application by the Department, the applicant is advised of the need to gain local land use approval before commencing the proposed action. Copies of the application and the reclamation plan are circulated (ORS 517.820(2)) to the relevant agencies including the county governing body, and others when appropriate. If requested, informational Department hearings of an informal nature may be conducted locally for some metal mine sites. For chemical process mines (ORS 517.952 to 517.992, and OAR 632-37), required consolidated public hearings will be held by the Department.

Under the provisions of ORS 517.830, local governments have three options for coordinating with DOGAMI in aggregate mine permitting under OAR 632-30 in recognition of varying conditions of zoning, complexity, conflict, or local preference. Available time frames to achieve local land use coordination vary. OAR 632-30-030 (1) to (3) outlines the options for coordination. They include: the option for a local government to request that the Department delay its permit decision until local government makes its land use permit decision (up to 165 days); the option for the local government to request the Department to delay its permit action for up to 45 days after any needed comprehensive plan amendments; and the option which does not involve any local land use permit, or where the local government does not request any delay in the Department's decision.

Other notified state agencies have 25 days in which to comment. The Department must respond to the applicant within 45-165 days from the date of complete application for aggregate sites, and 120 days from the date of complete application for

nonaggregate sites (other than chemical process mines). It is possible that the Department's response to the applicant may be greater than 165 days if the land use amendment and land use permit are not processed concurrently. Pursuant to ORS 517.830, if the Department does not approve the application at that time, the applicant must be provided with a statement of the application deficiencies needing correction. For metal mining using chemical processing, the more detailed procedures outlines in the next paragraph apply.

For metal mines involving chemical processing more extensive coordination mechanisms are prescribed by law and include: 1) DOGAMI lead Agency status, 2) a consolidated permit process with permits treated as Class A as provided in the LCDC agency permit rule, OAR 660-31; and 3) team permitting in which each agency retains the full authority of its own permit process, but coordinates closely with the other agencies.

Chemical process mining permits are complex and technical in nature, and involve the convening of one or more consolidated public hearings. Hearings are set within 30 days of receipt of the consolidated application, when agencies are prepared to begin preparation of draft permits and when draft permits are issued. Draft permits are issued within 225 days of receiving a complete and consolidated application. Permit action occurs within one year of a notice to proceed by DOGAMI, which occurs when a complete consolidated application is received and acknowledged by public notice. Part of the permit process includes preparation of a socioeconomic analysis by DOGAMI for use by local government.

d) Unless a local government has requested the Department to delay its decision pending approval of the local plan amendment and/or land use permit, when issued, a statement on the surface mining permit informs the applicant in accordance with OAR 632-30 that:

"Issuance of the permit is not a finding of compliance with Statewide Planning Goals or compatibility with the acknowledged comprehensive plan. The applicant must receive land use approval from the affected local government that includes written findings by the local government, if required, and a determination that the proposed action is in compliance with the Statewide Planning Goals and compatible with the acknowledged comprehensive plan."

When issuing a chemical process mining permit in accordance with OAR-632-37, the applicant will be

informed that the Department shall consider and may rely on the project coordinating committee determination, based on written findings, that the chemical mining project complies with the statewide planning goals and is compatible with the applicable jurisdictions.

- e) Reclamation as defined in ORS 517.750 is clearly regulated at the state level while land use considerations are regulated by locally administered land use requirements. Reclamation and land use regulation require close coordination and avoidance of contradiction or duplication.

The varied partnership arrangements ((d) above) available to county and state in mine permitting through ORS 517.830 allow creative linkage of public input at the local level, local government land use decision-making, and environmental and reclamation expertise at the state level. In these deliberations specific consideration of future land use must be properly and consistently addressed.

- f) In some cases, the distinctions between aspects of mining involving reclamation and those involving land use are not clear. Where the distinction is blurred, DOGAMI and the local jurisdiction will arrive at a mutual agreement of division of authority and respective regulatory requirements through comments, letter, phone calls, or face-to-face negotiations. It is Department policy to avoid having contradictory physical requirements placed on the applicant.
- g) Operators of ongoing mines must renew permits annually. Modifications to permits are required for expansion of mining beyond the depth and boundaries specified in the original permit. Such modification is considered an "intensification" or "substantial modification" requiring notice to the affected local government. An increase in the bonded area within the permit boundary, by itself, is not an "intensification" or "substantial modification" requiring coordination with the affected local government or a new finding of comprehensive plan compatibility.

2) Oil and Gas Wells

- a) The oil and gas statute was originally passed in 1953 and has had several revisions since that time. It provides for permitting, bonding and further regulation of oil and gas exploration by the Department. Shallow holes such as seismic test holes were added to ORS Chapter 520 by the 1989 legislature.

Although the Agency does have permitting authority offshore to the three-mile limit, no specific rules are in place, and a state legislative moratorium on such activity is in place.

- b) The drilling of oil and gas wells affects land use because it conforms to OAR Chapter 660 Division 30-005(2) (a) by removing land from other uses temporarily, in cases of unsuccessful wells, or for several years to decades in cases of successful wells. Information or seismic holes (OAR Chapter 632 Division 01-015) do not affect land use, conforming with OAR Chapter 660 Division 30-005(2) (b).
- c) Permits are technical in nature (ORS Chapter 520.025) and do not require hearing. Consistent with ORS 520.005 (13) a "Well" is defined as a well "drilled in search of oil and gas, but shall not include core test wells, stratigraphic test wells, seismic test wells or wells drilled for the purpose of producing oil or gas if found."
- d) Permits to drill, deepen or rework any well for oil and gas are issued by the State Geologist under ORS 520.025 (3) (a) and Administrative Rule 632-10-010, if he finds that the proposed methods and equipment comply with applicable laws and rules. As a matter of practice (OAR 632-10-010(3)) the Department circulates the application for technical review to the relevant agencies, and to inform the governing body of the county and, if appropriate, the city. The agencies are informed that they have 20 days from the date of application in which to comment. The State Geologist must make a decision within 30 days from the date of application.

Pursuant to Administrative Rule 632-10-010(3) any person adversely affected by the ruling of the State Geologist may make appeal to the Governing Board within 30 days.

- e) When issued, a statement on the drilling permit informs the applicant in accordance with OAR 632-10-010(3) and OAR 632-10-010(5) (a) and b) that:

"Issuance of the permit is not a finding of compliance with the Statewide Planning Goals or compatibility with the acknowledged comprehensive plan. The applicant must receive land use approval from the affected local government, if required, that includes written findings by the local government and a determination that the proposed action is in compliance with the Statewide Planning Goals and

compatible with the acknowledged comprehensive plan."

- f) In the case where there is an actual discovery of oil and gas resources, prior to production of the resource the operator would be required to obtain waste disposal permits from the Department of Environmental Quality (OAR Chapter 632 Division 10-140). Development of the oil and gas field would require an additional permit from DOGAMI for each additional well. Local jurisdictions participate in these processes as well as exercising their own land use authority. Essentially, DOGAMI's permit allows the permittee to seek and find oil or gas resources, and provides that drilling practices are technically sound. However, production and transportation of the resources generally are subject to other permitting processes in addition to those of DOGAMI.

DOGAMI regulatory authority with respect to spacing (ORS Chapter 520.210, OAR Chapter 632 Division 10-158) and unitization (ORS Chapter 520.270, OAR Chapter 632 Division 20-135) refer to determinations of ownership and engineering practice rather than land use.

For developing oil and gas wells offshore no rules are in place. Development of these rules will be coordinated with Statewide Planning Goal 19 and the Governor's office and will involve public hearings if they are developed. Presently a moratorium on offshore drilling for oil and gas in State waters is in place (ORS Chapter 196.410).

- g) Intensification for the purposes of OAR 660-31 is not relevant in terms of this Agency's limited regulatory responsibility and is properly addressed in county authority (ORS 215) over ancillary surface installations. For example, requests to alter permits for the purpose of deepening an oil or gas well would not involve an increase in surface use. Permits may be renewed for one year if a well has not been started within the initial one year permit period. New permits are required for any new wells located outside the drilling unit or spacing unit of existing permitted wells.

3) Geothermal Wells

- a) The Geothermal statute was passed by the legislature in 1971, establishing a regulatory program for the drilling of geothermal and prospect wells on all lands in the state. Operators of wells must obtain a bond and permit to drill from the Department. Records and samples must be submitted from the wells.

- b) The drilling of geothermal wells affects land use because it removes land from other uses temporarily, in cases of unsuccessful geothermal wells, or for several years or decades in cases of successful geothermal wells. Prospect wells do not affect land use (OAR 660-30-005(2)(b) see section II, (F).
- c) Requirements are specified in OAR 632-20. Consistent with ORS 522.005(6) a "Geothermal Well" is defined as "any excavation 2,000 feet deep or more made for discovery of producing geothermal resources." Permits are technical in nature and do not require a hearing (ORS 522.115), (ORS 522.065).
- d) Upon receipt of an application to drill or operate a geothermal well, the Department circulates the application (ORS 522, 125) for technical review to the relevant agencies listed, and to inform the governing body of the county, and if appropriate, the city. The agencies have 30 days in which to comment. Requirement is specified in OAR 632-20-030(4). The State Geologist must incorporate into the permit comments with respect to water quality (ORS 468.710, ORS 469.730 and Public Law 92-500) and water quantity (ORS 537.525 considerations for both ground and surface waters, and also considerations of air quality (ORS 468.280). Within 45 days the State Geologist must respond to the application.

Pursuant to ORS 522, 135 (1) appeal of any decision of the State Geologist must be made to the Governing Board before any appeal for judicial review under ORS 183.480.

- e) When issued, a statement on the drilling permit informs the applicant in accordance with OAR 632-20-030 that:

"Issuance of the permit is not a finding of compliance with the Statewide Planning Goals or compatibility with the acknowledged comprehensive plan. The applicant must receive a land use approval from the affected local government, if required, that includes written findings by the local government and a determination that the proposed action is in compliance with the Statewide Planning Goals and is compatible with the acknowledged comprehensive plan."

- f) Actual development of geothermal resources is subject to a variety of permitting authorities including the Department of Environmental Quality and the Energy Facility Siting Council (if the geothermal resources were used to produce electric power in amounts greater than 25 MWe) in addition to

DOGAMI's permit. Local jurisdictions participate in these processes as well as exercising their own land use authority. Essentially, DOGAMI's permit allows the permittee to discover the geothermal resources and provides that such drilling is technically sound. However, other permits in addition to DOGAMI's generally are necessary for geothermal resource development. DOGAMI regulation of spacing (ORS 520.260) and Unitization (ORS 522.405) relate to ownership and engineering practice rather than land use.

- g) Intensification (eg: deepening a well) for the purposes of OAR 660-31 is not relevant in terms of this Agency's limited regulatory responsibility and is properly addressed in county authority (ORS 215) and EFSC authority over ancillary surface installations. For example, requests to alter permits for the purpose of deepening geothermal wells would not involve an increase in surface use. Permits may be renewed for one year if a well has not been started within the initial one year permit period. New permits are required for any new wells.

F) Agency Rules and Programs Affecting Land Use;

The determination of whether a DOGAMI rule or program is a land use program requires an evaluation of the potential for an agency's actions taken within a rule or program to affect land use. Under OAR 660-30-005(2), an agency rule or program affects land use if it is:

- 1) Specifically referenced in the statewide planning goals, or is
- 2) Reasonably expected to have significant effects on:
 - a) Resources, objectives or areas identified in the statewide planning goals, or
 - b) Present or future land uses identified in acknowledged comprehensive plans.

Various types of preliminary exploration techniques causing no significant affect on land use are used in exploring for aggregate oil and gas, and geothermal resources, and hard minerals. Some of these, specifically shallow drilling, are permitted under Department regulatory programs, but they have no significant affect on land use. These include information and seismic shot holes for oil and gas exploration, prospect holes for geothermal exploration, and exploration holes for hard minerals. These activities involve no permanent structures or long-term use. In the typical case, a truck-sized drilling rig is present for a few hours to a few days, then the surface is reclaimed. Seismic shot holes involve the use of dynamite, but the

subsurface use of the dynamite renders its use of less impact than, for example, removing a tree stump by blasting.

G) Agency Programs Listed in Statewide Planning Goals;

Two statewide planning goals list or make specific reference to DOGAMI programs and actions for the purposes of goal compliance. These requirements are found in Goal 16: Estuarine Resources, and Goal 19: Ocean Resources.

The portion of Goal 16 most applicable to the agency is as follows:

Implementation Requirement 9

State agencies with planning, permit, or review authorities affected by this goal shall review their procedures and standards to assure that the objectives and requirements of the goal are fully addressed. In estuarine areas the following authorities are of special concern:

Department of Geology and Mineral Industries
Oil and Gas Drilling 520.095

Under Goal 19, the applicable agency programs are described in the following manner:

Implementation Requirement 1

State and federal agencies with planning, permit, or review authorities affected by the Ocean Resources Goal shall review their procedures and standards to assure that the objectives and requirements of the goal are fully addressed. The following authorities are of special concern:

Department of Geology and Mineral Industries
Oil and Gas Drilling 520.095

H) Department Programs Reasonably Expected to Have Significant Affects;

Based upon the description of the agency's programs provided in Section II above, the following three (3) programs have been identified as DOGAMI land use programs because of their potential to significantly affect resources, objectives and areas in the statewide goals, and existing and future uses in acknowledged comprehensive plans. See OAR 632-01-015 (4) (a) to (e).

The three agency programs and their potential land use effects are discussed below:

- 1) Mined Land Reclamation Program (See ORS 517.750 to 517.990; OAR 632, Divisions 30, 33, 35, and 37).

a) The operation of the Mined Land Reclamation Program: involves a number of agency actions and activities. The principal activities include:

- (1) Adopting mining standards and requirements;
- (2) Providing information and technical assistance to mining operators, landowners, agencies, and the public;
- (3) Inspection and monitoring of mining sites';
- (4) Enforcement of mining regulations; and
- (5) Issuing MLR permits and exploration hole permits.

The Department has determined that the issuance of MLR permits is the only activity under the MLR program that affects land use. This is because an MLR permit authorizes actions which may in certain instances cause significant, long-term effects on resources and areas listed in several statewide goals (e.g. Goals 5 and 6). MLR permits are important to city and county comprehensive plans because of the impacts and consequences of mining on local land use policies and regulations dealing with community concerns such as resource protection, neighborhood liveability, economic development, aesthetics and transportation. The Department has determined that exploration holes drilled under OAR 632, Division 33 do not affect land use due to the absence of significant effects on land use (OAR 660-30-005(2)(b)).

b) Subprograms of the MLR Program: The program is subdivided into three types of permitting activities that affect land use:

- (1) OAR 632, Division 30: This subprogram is a mining and reclamation permit function applicable to all mineral products except coal and metal-bearing ore operations which obtain permits after August 16, 1981. This includes aggregate mines, rock quarries and industrial mineral mines.
- (2) OAR 632, Division 35: This subprogram is a mining and reclamation permit function applicable to coal and metal-bearing ores obtaining permits after August 16, 1981. This includes metal mines not requiring chemical processing; no coal mines exist in Oregon at the present time (1992).
- 3) OAR 632, Division 37: This subprogram is a mining and reclamation permit function applicable to all chemical process mining

projects, such as gold mining using the cyanide heap leach method of extraction. Statutes and rules resulted from 1991 legislation (HB 2244, ORS 517.952 to 517.992).

- 2) Oil and Gas Regulatory Program (See ORS 520.005-520.991; OAR 632, Division 10 and 15)

The Oil and Gas Drilling Program calls for the agency to undertake various actions. The most prominent include:

- a) Adopting oil and gas drilling standards and requirements;
- b) Providing information and technical assistance oil and gas drilling firms, landowners, agencies, and the public;
- c) Inspection and monitoring drilling sites and wells;
- d) Enforcement of oil and gas drilling regulations; and
- e) Issuing oil and gas exploration and production permits and information or seismic shot hole permits.

The Department has determined that the issuance of oil and gas exploration and production permits is the only activity under the Oil and Gas Drilling Program that affects land use. This is due to the fact that oil and gas production permits temporarily remove land from other uses. Oil and gas production permits also are of concern to comprehensive plans because of potential impacts on local land use policies and regulations for resource protection, residential development, and economic development. The Department has determined that holes drilled for information or seismic testing (OAR 632, Division 15) do not affect land use due to the lack of significant effects on land use (OAR 660-30-005(2)(b)).

- 3) Geothermal Regulatory Program (See ORS 522.005 to 522.990; OAR 632, Division 20.)

The operation of the Geothermal Drilling Program encompasses a range of actions. The major activities include:

- a) Adopting geothermal drilling standards and requirements;
- b) Providing information and technical assistance to geothermal operators, landowners, agencies, and the public;

- c) Inspection and monitoring of geothermal drilling sites and wells;
- d) Monitoring and enforcement of geothermal drilling regulations; and
- e) Issuing geothermal permits and prospect permits.

The agency has determined that the issuance of geothermal well permits is the only activity under the Geothermal Drilling Program that affects land use. This is because a geothermal production permit results in temporarily removing land from other uses. Geothermal production permits are potentially of concern to local governments due to possible affects on local land use policies and regulations addressing resource protection, residential development, noise impacts, and economic development. The Department has determined that prospect wells do not affect land use due to the lack of significant effects.

I) Agency Programs Subject to LCDC Permit Compliance and Compatibility Rules (OAR 660, Division 31);

As previously described, the agency issues permits under the following three (3) programs:

- a) Mined Land Reclamation Program (MLR);
 - (1) Mineral and aggregate
 - (2) Coal and metal-bearing
 - (3) Chemical process
- b) Oil and Gas Drilling Program; and
- c) Geothermal Drilling Program.

Currently, the permits under the MLR, oil and gas, and geothermal programs are listed as Class B permits under LCDC's permit rule (see OAR 660-31-012(2)(d)(A-C)).

For a Class B permit an agency does not require or provide public notice or hold public hearings prior to permit issuance.

In 1991, the legislature passed SB 97 (ORS 517.830) to provide expanded opportunities for DOGAMI - local government coordination involving surface mining permits under the MLR program. Under ORS 517.830 there are now two other options in addition to the Class B procedure available to coordinate reclamation and mining permitting by the state with local government land use approvals and permits (ORS 517.830).

By acting in accordance with the requirements in OAR 660-31-026(2)(b), DOGAMI is authorized to rely on permit applicants to assure that mining and drilling uses and activities authorized by the permits will comply with the statewide planning goals and will be compatible with acknowledged comprehensive plans (see also discussion of OAR 632, Division 01, in Section III below).

Permits are issued for all three of the Department's programs affecting land use. Permits are valid for one year. In the oil and gas and geothermal programs, permits are renewable for one additional period of time equal to the original permit. Mined Land Reclamation permits are renewable annually as long as the mine is in operation or not fully reclaimed. Modifications or intensifications of permits may be permitted. This would include such activities as expanding a surface mine beyond the previously permitted boundaries or adding processing capabilities to an existing mine. A new determination of compliance with the Statewide Planning Goals or compatibility with Acknowledged Comprehensive Plan will not be conducted if the extension or modification does not include substantial modification or intensification of the permitted activity (OAR 660-31-040). As described in OAR 632-01-015(2)(d) and (f) and (5)(b), in cases of proposed changes that constitute intensifications or significant modifications to existing permits, the local jurisdiction will be notified of the proposal. Such jurisdictions may wish to require a new land use permit and to make a new compliance and compatibility determinations for these intensifications and significant modifications, whether or not DOGAMI modifies its permit.

Chemical process permits: Permits issued by the department for chemical process mining operations pursuant to ORS 517.952 to 517.992, and OAR 632, Division 01 and 37, will be treated as Class A permits under the LDCD agency permit rule (OAR 660-31-026(1) and 660-31-035(1)). Under Class A permitting, the Department will rely principally on the recommendation of the project coordinating committee, and not on the applicant, for assuring the project's compliance with the statewide planning goals and compatibility with the local jurisdiction's comprehensive plan and land use regulations.

III. DEPARTMENT RULES AND PROCEDURES TO ASSURE COMPLIANCE WITH THE STATEWIDE PLANNING GOALS AND COMPATIBILITY WITH ACKNOWLEDGED COMPREHENSIVE PLANS AND LAND USE REGULATIONS.

This section responds to the requirements in LCDC's rule, OAR 660-30-060(4), and describes how the Department will assure that its land use activities shall comply with the statewide planning goals and be compatible with acknowledged comprehensive plans and land use regulations.

A) Exempt and Compatible Land Use Programs;

All of the Department's programs determined to affect land use fall into the category of a "Compatible Land Use Program" as defined in OAR 660-30-060(4)(a)(B). There are no applicable statutes, constitutional provisions or appellate court decisions which expressly exempt any of the Department's programs from compatibility with acknowledged comprehensive plans, or from compliance with the statewide goals.

B) Department Rules and Programs to Assure Compliance with Statewide Planning Goals;

1) Department Rules

The department is responsible for three (3) programs which affect land use (see Section II above). Each program involves the issuance of permits. These programs are:

a) Mined Land Reclamation (MLR) Program;

(1) Mineral and aggregate

(2) Coal and metal-bearing

(3) Chemical Process

b) Oil and Gas Drilling Program; and

c) Geothermal Drilling Program.

The Department has amended applicable portions of its administrative rules to implement the state Department goal compliance and comprehensive plan compatibility requirements in OAR 197.180 and OAR 660, Divisions 30 and 31, for each of these three programs.

OAR 632-01-015 establishes the general goal compliance and plan compatibility finding requirement the Department will follow in approving permits under the three programs.

To make its goal compliance and plan compatibility findings, the Department shall comply with OAR 660-31-026(1) and 660-31-026(2)(b)(A) and (B) and shall also adhere to the procedures in the agency's state agency coordination program which is hereby adopted by reference.

Because all comprehensive plans in the state have been acknowledged to be in compliance with the statewide planning goals, the Department shall attempt to achieve goal compliance whenever possible by issuing mining and drilling permits that are compatible with acknowledged comprehensive plans.

OAR 632-01-015 expresses the agency's obligation to achieve goal compliance by issuing permits in accord with acknowledged comprehensive plans:

632-01-015(5)(a). The Department shall assure goal compliance by acting compatibly with applicable acknowledged comprehensive plans in accordance with the procedures in OAR 632-01-015(5)(b). Should a situation arise which requires direct goal findings, by the Department, the Department shall adhere to the following procedure:

- (A) Confirm that a situation exists pursuant to OAR 660-30-065(3) requiring the Department to adopt findings of compliance with one or more of the statewide planning goals;
- (B) Identify the specific statewide planning goal(s) or goal requirement the agency must address;
- (C) Consult directly with the affected local governments;
- (D) Request any necessary interpretive guidance from the DLCD and the Attorney General's office;
- (E) Rely on any relevant goal interpretations for state agencies adopted by the LCDC under OAR Chapter 660; and
- (F) Adopt any necessary findings to assure compliance with the statewide planning goals.

In Section II above, direct goal findings requirements are described for two of the agency's programs affecting land use. These are: MLR for Goals 16 and 19; and Oil and Gas for Goals 16 and 19.

At this time the Department is unaware of any administrative rule or goal interpretations adopted by the LCDC relative to Goals 16 and 19 concerning Department MLR and Oil and Gas permits. In the event that it becomes necessary to address these specific requirements in Goals 16 or 19 in issuing MLR or Oil and Gas permits, the Department will use the procedure contained in OAR 660-30-065 to prepare and adopt the necessary findings.

2) Department Procedures

To approve a project under a program listed as having an affect on land use pursuant to OAR 660-30 and OAR 660-31-026(1) and (2)(b)(A) and (B), the Department's procedure is to assure that the project complies with the Statewide Planning Goals and is compatible with acknowledged city and county comprehensive plans and land use regulations. No other procedures are used.

This procedure is outlined in OAR 632-01-015. To provide for goal compliance and plan compatibility, the Department will, except for chemical process mining operations, rely on the permittee obtaining the appropriate land use determinations and findings from the affected city or county before activities under the DOGAMI permit may commence. In the case of chemical process mining the Department will rely principally on the recommendation of the project coordinating committee in making Department findings of goal compliance and comprehensive plan compatibility.

C) Department Rules and Procedures for Assuring Compatibility with Acknowledged Comprehensive Plans;

1) Department Rules

The Department has amended its administrative rules for its three land use programs expressing its commitment to assure that permits issued under these programs are compatible with acknowledged comprehensive plans (see III B above).

OAR 632-01-015 (5) (b) explains plan compatibility for DOGAMI permits:

To make the necessary determinations of compatibility for a Department permit, the Department shall take the following action:

- (A) When issuing operating permits for oil, gas and geothermal well drilling under OAR 632, Division 10 and 20, the Department shall: Inform applicants in writing that issuance of a permit by the Department is not a finding of goal compliance or plan compatibility and that the applicant is responsible for obtaining local government land use approval supported by written findings as provided in OAR 632-10-010(8) (a) and (b), 632-20-030(5) (a) and (b), 660-31-026(2) (b), and 660-31-035(2) before the drilling activity can commence;
- (B) When issuing operating permits and approving reclamation plans for mineral and aggregate mining under OAR 632, Division 30, the Department shall act in accordance with the applicable comprehensive plan compatibility procedures set forth in OAR 632-30-030(1) (2) and (3), 660-31-026(2) (b), and 660-31-035(2);
- (C) When issuing operating permits and approving reclamation plans for mining coal and other metal-bearing ores, not involving chemical process mining, under OAR 632, Division 35, the Department shall inform applicants in writing that issuance of an operating permit by the Department is not a finding of goal compliance or plan compatibility

and that the applicant is responsible for obtaining local government land use approval supported by written findings as provided in OAR 632-35-030(6)(a) and (b), 660-31-026(2)(b), and 660-31-035(2) before the mining activity can commence; and

- (D) When issuing operating permits and approving reclamation plans for chemical process mining under OAR 632, Division 37, the Department shall consider and may rely on the findings of the project coordinating committee authorized by ORS 517.965 as to whether or not the proposed permit and reclamation plan are compatible with the acknowledged comprehensive plan(s) in accordance with the applicable comprehensive plan compatibility procedures set forth in OAR 632-27-045(7)(k), 660-30-070(2), 660-31-026(1) and 660-31-035(1).

2) Department Procedures

For permits granted by the Department under the three programs affecting land use, procedures have been adopted in the following rules: OAR 632-01-015(5)(b) and OAR 632, Divisions 10, 20, 30, 35, and 37.

For mine sites it is possible for a local government to request the Department to delay actual permit issuance until after the local permit is issued. The Department shall make its final decision on the Operating Permit no later than 165 days after a complete land use application is submitted to the local jurisdiction.

D) Columbia River Gorge Scenic Area;

For new permits in any of the Department's permit programs affecting land use in the Columbia River Gorge Scenic Area (PL 99-663), the agency will condition issuance on written findings of consistency with sections 3 and 6d of the Gorge Act and the interim guidelines or Scenic Area Management Plan, whichever is in effect at the time. For renewals, these findings will be made when substantial modification or intensification is proposed. Where possible the Agency relies on the findings of other governmental entities as part of (but not as substitute for) the Department's process (See Attorney General's Office letter to DEQ Director, Fred Hansen, dated 1-26-88). Applicants are directed to provide findings of the U.S. Forest Service or Columbia River Gorge Commission as part of their applications to the Department.

E) Dispute Resolution;

The Department has adopted the following process in the event a land use dispute arises concerning approval of a project under a Department permit program determined to affect land use.

The process set forth in OAR Chapter 632, Division 01-015(6) states:

The Department shall use one or more of the following steps to resolve any land use dispute which may arise before, during or after approval of a project under the Department's jurisdiction which has been determined to affect land use. These steps include:

- a) Coordinating closely with local land use planning authorities and to identify and resolve any potential land use conflicts at an early stage.
 - b) Holding meetings with the affected local government(s), any affected state agency, and any other interested parties involved with the dispute, especially in cases of large or controversial projects.
 - c) Identifying modifications to the proposed project to avoid or resolve the dispute.
 - d) Requesting, if necessary, informal LCDC mediation or compatibility determination under OAR 660-30-070.
- F) Compliance and Compatibility of New or Amended Department Land Use Programs;

The Department has adopted the following procedure to be used to assure that new Department rules and programs or amendments to existing rules and programs affecting land use will comply with the statewide goals and be compatible with acknowledged comprehensive plans and land use regulations.

The procedure is as follows:

632-01-015 (7) (a) The Department's state agency coordination program may be amended, as necessary, when any of the following occurs which add to, affect or modify Department rules and programs determined to affect land use:

- (A) Adoption or amendment of Oregon Revised Statutes;
 - (B) Adoption or amendment of Oregon Administrative Rules;
 - (C) Decisions by the Land Use Board of Appeals (LUBA) or Oregon appellate courts.
 - (D) Attorney General Opinions; or
 - (E) Other unanticipated actions or decisions.
- (b) The Department shall submit notice of any amendment to any Department program affecting land use or any new Department rule or program to the Department of Land Conservation and Development (DLCD) as required by OAR 660-30-075. It will also be sent to counties.
 - (c) Any notice provided to DLCD to adopt new programs or amend existing programs shall demonstrate that the proposed adoption or amendment:

- 1) Does not affect land use and therefore is not a Department land use program; or
- 2) Affects land use or otherwise is a Department land use program and that goal compliance and comprehensive plan compatibility shall be assured through adherence to existing procedures in the Department's certified SAC program; or
- 3) Affects land use or otherwise is a Department program affecting land use, but is not covered by regulations and procedures in the Department's certified SAC program. In this case, the notice shall include an explanation of how the Department shall assure goal compliance and comprehensive plan compatibility in accordance with the applicable provisions of OAR 660-30-075.

IV. DEPARTMENT PROGRAM FOR COOPERATION WITH THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT AND OTHER STATE AND FEDERAL AGENCIES AND SPECIAL DISTRICTS

- 1) Future actions will be coordinated with affected cities and counties, state and federal agencies, and special districts through application of the procedures specified in the Administrative Procedures Act and Agency Statutes. Also, entities of special concern will also be notified as appropriate.

In addition, the Department coordinates its activities with other state and federal agencies, through participation on technical committees, impact statements, general communication, participation on task forces, and other actions.

- 2) A list of coordination mechanisms follows:

- a) Procedure for Interagency Coordination

The Department cooperates with all local, state and federal agencies having an interest in our three programs affecting land use. There are several methods the Department uses to coordinate with other agencies about projects under the Department's programs.

- Methods include:
- 1) Providing meeting notices, draft rules, or other materials on a regular basis.
 - 2) Providing publications which have a bearing on land use.
 - 3) Communications at meetings and hearings, such as Board meetings and rulemaking hearings.
 - 4) Site specific communications including phone calls, letters, meetings, or public appearances on a selective basis determined by importance, urgency, and budgetary or staff availability.

- b) Networking Arrangements

The Agency cooperates with other groups

- to promote maximum effectiveness
- to provide geologic expertise
- to receive advice and information
- to meet land use coordination requirements

In addition to routine or short term coordination efforts, the Agency participates in the following ongoing cooperative endeavors:

General

Board of Geologist Examiners
Association of American State Geologists
Periodic Governmental Coordinating Committees
with:

Bureau of Land Management
U.S. Bureau of Mines
U.S. Forest Service
U.S. Geological Survey - Geologic Division
Oregon Department of Environmental Quality

Oil, Gas, Geothermal Regulation

American Association Petroleum Geologists
Geothermal Resources Council
Northwest Petroleum Association
Underground Injection Practices Council

Economic Geology

Northwest Mining Association
State Economic Advisory Committee

Planning

Ocean Policy Advisory Committee
Oregon Strategic Water Management Committee
Interagency Water Committees on nonpoint source
pollution, Tualatin Basin, ground water quality

Mined Land Reclamation

Team Permitting on site specific and statewide
basis
Western Governors' Association Committee on Mine
Waste
Association of State Mined Land Reclamationists
Ad Hoc Task Forces

Offshore Coordination

Ocean Policy Advisory Committee
Placer Minerals Task Force

Siting Geology

Hanford Waste Board
Committee on Chemicals and Synthetic materials in
the Environment
Seismic Safety Policy Advisory Council

Nature of Oregon Information Center

The Agency maintains an information outlet for natural resources on the first floor of the State Office Building in Portland (800 NE Oregon St., Rm. 177, phone 503-731-4444). The outlet is nonprofit and distributes information from state and federal natural resource agencies and soon will provide computer links with related federal data bases on a national level.

Laboratory

Oregon Laboratory Consortium

- c) Interagency Coordination Contact Person; The Petroleum Engineer is the Department's lead contact person for interagency coordination.
- d) To better coordinate regulatory requirements on federal land, the Department has in effect memoranda of understanding with the U.S. Forest Service and the U.S. Bureau of Land Management.

The Department also cooperates closely with the State Department of Forestry in the implementation of sections of HB 3396 (1987) of mutual interest. State Forestry notifies DOGAMI of commercial sites on forest land.

The Department understands and implements requirements in permitting pursuant to the Columbia River Gorge Act and Goal 19 of LCDC. The State implements team permitting for large chemical process metal mines pursuant to the requirements of ORS 517.952 to 517.992 and OAR 632, Division 37. This new process coordinates technical aspects of permitting with the relevant state natural resource agencies (including the Water Resources Department) as provided for in statute and rule.

V. PROGRAM FOR COOPERATION AND TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS;

A) Public Information;

The Department responds to requests for information by jurisdictions orally, by letter, or with publications as deemed appropriate and to the extent that needed information is readily available. The types of information we can provide are described under Section B below. Our library is available on a limited basis to the public. Inquiries can be addressed to the following locations:

Portland Office - 731-4100
State Office Bldg., Ste 965
800 NE Oregon St. # 28
Portland, OR 97232

Grants Pass Office - 476-2496
5375 Monument Drive
Grants Pass, OR 97526

Baker City Office - 523-3133
2033 First Street
Baker City, OR 97814

Albany Office - 967-2039
1536 Queen Avenue SE
Albany, OR 97321

Receptionists will route the calls to the appropriate personnel.

For publications, contact the Nature of Oregon Information Center; see section IV 2) b) above. A list of publications as well as publication sales is available there. The address and phone are: 800 NE Oregon St., Room 177, 503-731-4444.

B) Program Types;

The types of information (see Information Source Catalogue issued by the Land Conservation and Development Commission) provided by our various programs identified in Part 1 are here elaborated as follows:

Economic Geology: Mineral commodities included metallic minerals, nonmetallic minerals, rock materials, and fuels including oil and gas. Investigations include generalized regional investigations of all commodities, or topical investigations of one or a few commodities of particular interest.

Included is a computerized data base of 8000 mines and prospects (MILO) for Oregon. It is updated on an annual basis and is a valuable resource for land planners. It provides a valuable starting point in the generation of mineral inventories.

Geologic Hazards: Investigations focus on ground response, building response, and earthquake probability. This program is in its infancy and unable to supply data on a statewide basis.

Current emphasis is one earthquake potential and ground response in western Oregon and on coastal erosion. Great subduction earthquakes repeat on an average of 350 years.

Oil and Gas Geology: The Department has conducted several technical and detailed investigations of oil and gas

potential for certain areas of the state. These investigations are aimed at meeting the energy needs of the state but are highly useful to local jurisdictions (see publication list).

Geothermal Geology: The Department has conducted many technical geothermal investigations in the state of local and statewide nature. The information generally is incorporated in simplified form into public interest publications when possible.

Land-Use Geology: Hazards investigated include mass movement, erosion, earthquakes, floods, streambank erosion, and adverse engineering conditions of the bedrock. Studies traditionally have been general and countywide or regional in scope. Earthquake work was initiated by action of the Emergency Board in 1989.

C) Department Programs Useful to Land Use Planners;

Within the Administration and Support Services Program the Agency provides for public information.

The supplying of geologic information to agencies and the public in a systematic and cost effective manner includes maintenance of a technical geologic library for limited public use, the sale of publications developed by the Department, and response to thousands of oral and written requests for information by local jurisdictions.

Information developed within the above programs of the Geological Services Division is particularly significant in the development of realistic comprehensive plans. It also is useful in the development of management implementation measures and specific implementation measures.

Within the constraints of budget and staff limitations, all inquiries of a geologic nature are serviced orally, or in writing, but primarily by the sale of pertinent geologic publications. Inquiries can be directed to the main office in Portland or to the other field offices in Baker City, Grants Pass and Albany. Nontechnical brochures are currently receiving emphasis.

D) Department Program for Cooperation and Technical Assistance to Local Governments;

1) The Department, in accordance with OAR 632-01-015(8), may participate in city and county programs when requested to do so.

2) The Department's contacts for local cooperation and technical assistance are located in field offices. Such assistance may be requested by calling the nearest field office: Portland, 229-5580; Baker City, 523-3133; or Grants Pass, 476-2486.

- 3) The Department will participate in individual periodic reviews of county comprehensive plans, and may participate in periodic reviews of other jurisdictions upon written request of the jurisdiction.
- 4) The Department intends to work as much as possible individually with priority jurisdictions in the planning process.
- 5) Procedure for Interagency Coordination. The Department cooperates with all local, state and federal agencies having an interest in our three programs affecting land use. There are several methods the Department uses to coordinate with other agencies about projects under the Department's programs.

E) Department Program for Cooperative and Technical Assistance to Coastal Governments;

Subject to statutory limitations, the Department may provide technical assistance and planning information to coastal jurisdictions during periodic review, plan updates, plan amendments, and in very special instances implementation of coastal comprehensive plans and land use regulations, as availability of personnel and resources permits.

The Department will make an effort to assist coastal jurisdictions in carrying out those requirements listed in LCDC Goals 16 through 19 which relate to mineral resources and geologic hazards. The Department will work closely with DLCD and other state and federal resource agencies to minimize conflicts or duplication in assistance to coastal cities and counties.

The Department will advise DLCD on the consistency of federal actions and activities which may affect Oregon's coastal zone. As a Coastal Management Program agency, the Department will also participate with DLCD and other OCMF agencies, as resources permit, with strategic planning for Oregon's coastal zone. The Department will continue to participate in ocean planning by serving, if designated to do so, on the follow-up planning body to the Oregon Ocean Resources Management Task Force.

F) The Agency involvement in periodic review;:

- 1) Before receipt of notice from DLCD that a county plan is scheduled for periodic review, the Department secures a copy of the plan and notifies the county and DLCD field representative of our involvement. Due to staff limitations, this is done for selected counties and for only the larger cities. The Department also notified DLCD if any specific mineral or hazard issues exist that should be included in the DLCD notice. To best focus our efforts, the Department conducts staff review by a

geologist assigned to the appropriate area of the state in question. The Department will respond, whenever possible, to requests for review from counties.

- 2) Five general areas of questioning are included in our review as follows:
 1. Is there a section dealing with mineral and energy resources?
 - a. Are current and potential resources for aggregate industrial minerals, metallic minerals, geothermal energy and hydrocarbons properly addressed?
 - b. Are the inventories based on the most current readily available information? For mines did they use MILO in some way?
 - c. Given your knowledge of the data sources is the inventory information in the plan accurately presented and properly interpreted?
 - d. Are the plan goals and policies realistic applications of this information?
 2. Is there a section dealing with natural hazards?
 - a. As appropriate are mass movement, erosion, coastal erosion, stream erosion, stream flooding, earthquake potential (including ground response) and volcanic eruption potential adequately handled?
 - b. Are the inventories based on the most current and readily available information?
 - c. Given your knowledge of the data sources is the inventory information accurately presented and interpreted, and are the plan goals and policies realistic applications of the information?
 3. Does the plan deal with regulation of mining?
 - a. Do the ordinances or plan properly address DOGAMI's mining permit program?
 - b. Do they specifically define the decision process regarding use in the various land use zones?
 - c. Is there unnecessary duplication of state regulatory authority?
 - d. Does the county properly coordinate decision making with the DOGAMI permitting process?
 - e. Do the plan or ordinances provide for realistic

long-term access to significant mineral resources? Are the standards that are applied extremely general, or are they precise enough to guide permitting processes and decision-making?

f. Are clear and objective standards, definitions, and thresholds stated in the regulatory requirements? Are opportunities and requirements for coordination with DOGAMI environmental regulation clearly identified and described?

4. Does the plan deal with regulation of oil and gas exploration?

a. Do the ordinances or plan properly address DOGAMI's permit program for oil and gas?

b. Do they specifically define the decision process regarding use in the various land use zones?

c. Is there unnecessary duplication of state regulatory authority?

d. Does the county properly coordinate decision making with the DOGAMI permitting process?

e. Do the plan or ordinances provide for realistic long-term access to significant oil and gas resources? Are the standards that are applied extremely general, or are they precise enough to guide permitting processes and decision-making?

f. Are clear and objective standards, definitions, and thresholds stated in the regulatory requirements? Are opportunities and requirements for coordination with DOGAMI environmental regulation clearly identified and described?

5. Does the plan deal with regulation of geothermal resource exploration?

a. Do the ordinances or plan properly address DOGAMI's permit program for geothermal resources?

b. Do they specifically define the decision process regarding use in the various land use zones?

c. Is there unnecessary duplication of state regulatory authority?

d. Does the county properly coordinate decision making with the DOGAMI permitting process?

e. Do the plan or ordinances provide for realistic long-term access to significant geothermal resources? Are the standards that are applied

extremely general, or are they precise enough to guide permitting processes and decision-making?

f. Are clear and objective standards, definitions, and thresholds stated in the regulatory requirements? Are opportunities and requirements for coordination with DOGAMI environmental regulation clearly identified and described?