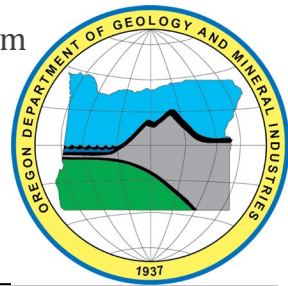


the newsletter of the **Mineral Land Regulation and Reclamation** program

ENGAGe

Fall 2024/ Winter 2025

Exploration, Non-aggregate, Gas/oil, Aggregate, Geothermal



DOGAMI AGENCY BUDGET AND PROPOSED FEE INCREASE:

As part of the budget process for the 2025-2027 Legislative Session, DOGAMI is proposing an increase to fees across all permit types to 1) maintain the current program and 2) provide funding for additional positions to improve MLRR service delivery. If approved, the new fee schedule won't go into effect until January 2026. As of Fall 2024, the details of the proposed fee increase, and program right-sizing are not finalized. The next step in the budget process is the release of the Governors Recommended Budget in December 2024, followed by Legislative review of any fee changes during the 2025 Regular Session. Interested parties may follow the process on DOGAMI's website:

(<https://www.oregon.gov/dogami/about/Pages/performance.aspx>) and with the Oregon State Legislature (https://www.oregonlegislature.gov/citizen_engagement/Pages/Find-a-Bill.aspx).

DOGAMI Permitting Efforts Seeking Single Entities:

In an effort to more effectively administer Operating Permits, the Department now requires a single individual or entity as the permittee (responsible party, or principal). We have several sites that were previously allowed to operate under one, two or even FOUR permittees. This creates a stressor for those permittees if a change needs to occur (transfer, amendment, security replacement, etc.) as we need **everyone's** signature to process that action. Therefore, we are requiring the designation of a single individual from those currently listed on the permit as the permittee. Alternately, you can transfer the Operating Permit to a different entity or individual not currently listed on the Operating Permit. For example, Mark Crushes & Dave Gravelly are both currently listed on the permit. Mark and Dave can choose to have the permit issued to either Mark Crushes or Dave Gravelly. Another option for Mark and Dave is to transfer the permit to another entity, such as their new company I ♥ Crushing Rocks, Inc. Selecting one of the individuals on the Operating Permit as the permittee is a simple administrative action with no fee associated. However, the reclamation security will need to be resubmitted with the designated permittee as principal. Transferring to another permit entity, like their company I ♥ Crushing Rocks, Inc. would incur the normal transfer fees and require the normal permit transfer process.

As mentioned above, if no individual currently listed on the permit is willing to become the permittee for this site, the site can be transferred to another individual or entity via the Operating Permit transfer process. This process would follow our conventional fee structure and procedure.

Contact Us at 541-967-2039 email: mlrr.info@dogami.oregon.gov

Website: <https://www.oregon.gov/dogami/mlrr>

Oregon Department of Geology and Mineral Industries
Mineral Land Regulation & Reclamation
229 Broadalbin St. SW, Albany, OR 97321

Live from Admin Corner: Signature Authority and Delegating Signature Authority

Communication from DOGAMI regarding an application is directed to the Applicant and permit administration is directed to the Permittee, because they are responsible for the development and implementation of their operating and reclamation plan, and all associated reclamation liability.

All Applicants and Permittee's must provide a primary contact that has decision making and signature authority. It's important that these individuals are involved in the application process and permit administration. DOGAMI refers to individuals with decision making and signature authority for an Applicant or Permittee as Legally Authorized Representatives (LARs). Individuals (sole proprietors) have the authority to sign on behalf of themselves.

We do our best to confirm the individual signing an application on behalf of an applicant, or communicating with the Department about permit administration, has the appropriate authority to do so. Therefore, Applicants/Permittees that are businesses required to register with the Oregon Secretary of State Business Registry have to demonstrate the person signing has the authority. This is often satisfied by confirming the individual signing the application is listed in the business registry as a legally authorized representative (LAR). For example, if the business is an LLC and the individual signing the application form is listed as a Member, or it's a corporation and the individual signing the application is listed as President.

What do you do if the responsible individual isn't listed in the business registry, and adding them isn't an option? A LAR for the business can delegate signature authority using DOGAMI's Delegation of Signature Authority form, available on our website.

Key Points about Signature Authority and Delegating Signature Authority:

- Signature Requirement: DOGAMI application forms must be signed by a Legally Authorized Representative of the applicant.
- Verification: Legally Authorized Representatives are verified through the Oregon Secretary of State Business Registry when applicable.
- Delegation Option: Signature authority can only be delegated by a Legally Authorized Representative to another individual.

Plus! Designating Agents to support Application Processing and Permit Administration

Applicants and Permittees commonly work with third parties, such as surveyors or wetland consultants, and want them to be able to openly communicate with the Department about various aspects of application processing or permit administration. To accomplish this, the Applicant or Permittee can complete and submit a Designation of Agent form, available on our website Designating an Agent as an additional contact to support the application process or permit administration enables DOGAMI to provide information to, and receive information from, the Designated Agent.

The Designated Agent does not have decision making or signature authority. All decisions, including those conveyed through the Designated Agent, remain the sole responsibility of the Applicant/Permittee. Notwithstanding the foregoing, DOGAMI may require specific decisions be communicated directly from the Applicant/Permittee and the Applicant/Permittee must provide the required signature on all application or permit documents.

Just like the application form, the Designated Agent form must be signed by a Legally Authorized Representative, which includes the Delegated Signature Authority when applicable. Applications may have more than one Designated Agent, but the number may be subject to limitation by DOGAMI.

Key Points about designated agents:

- The Designation of Agent Form must be signed by a Legally Authorized Representative.
- The Applicant/Permittee needs to submit a Designation of Agent form for each designated agent.
- The Designated Agent does not have any authority to make decisions regarding the application or permit.