

10 May 2017

Hello Chairman and Committee Members

I wish I could be before you today to talk about House Bill 2785 A. I would like to thank you for taking the time to hear my concerns with regards to House Bill 2785 A which is currently being sponsored by the House Committee on Agriculture and Natural Resources.

My concern is that this bill is unnecessary and will be used as a blank check for people to side step current the local, state, and federal laws that are in place to protect the environment.

On the 21st of February 2017 Mr. Jim Paul the current Director of the Department of State Lands testified that under the existing removal-fill statutes, as administered by the Department of State Lands, If a new agricultural building were to be constructed in compliance with ALL applicable laws, the rebuilding of that structure on the original building footprint would not be subject to the removal-fill laws at the time of reconstruction, since it would effectively already be in compliance with such laws.

Here is an example of why I feel this bill will be used as a blank check for people to side step the current laws. In December 2008 my parents bought a small 30 acre farm in the Junction City area. Their farm as well as those around it are Zoned Executive Farm Use Only and are protected under the state laws.

According to paperwork on file with Lane County Land Use in April 2007 a neighbor was approved by the Lane County Land Management to bring in "approximately 2533 cubic yards of material in the location on the approved plot land for the purpose of elevating the building site for a farm building, a hay barn and a driveway." The general conditions of this approval state, "This approval shall expire two years from the date of final approval. This approval can be renewed for one additional year only by a letter submitted to Lane County Land Management Division before the expiration date, provided the flood plain regulations have not changed." If you look at the attached photos you will find one from 2010 in which you will see that the property had no fill placed on it. Now please view the other attached photos and you will see how the 15 acres has been filled with fill dirt and rock. The fill ranges from one foot to 3 feet depending on where you are at on the acres. This is now causing the displacement of 15 acres worth of rain water onto neighboring properties and road way. Which has resulted in a negative impact on the ability to raise livestock, crops, and wild life movement in the area.

Every time new fill would show up I talked to Lane County Land Management to see if the correct fill permits were given. My concern was and is that such a large area of Farm Use Only land was being covered over and no longer farmable. I was and still am concerned with Environmental impact this amount of fill is having on all lands, wild life, and livestock in the area.

Two of the three times that I talked to Lane County Land Management I was told that the property had all of the required permits. It was during my last visit with them in the summer of 2016 that I was informed that the property in fact did not have the required permits. I was told that the property had a Letters of Maps Amendment (LOMA) issued by Federal Emergency Management Agency. I was then informed that I could look up any and all permits on the county's online site. While reviewing the permits I found one from the Federal Emergency Management Agency in which it states, "The LOMA provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to

a particular property. A LOMA is not a building permit, nor should it be construed as such. Any development, new construction, or substantial improvement of a property impacted by a LOMA must comply with all applicable State and local criteria and other Federal criteria." A LOMA simply removes the requirement flood insurance coverage by a property owner from a lender.

This bill is just a blank check that will give anyone who has been given a permit from a county to build whether they did so lawfully or not a free pass as it will remove the check and balance system currently in place to ensure that the lands, water ways, wild life, and property owners are safe from the negative impact by the placement of illegal fill or removal.

Under House Bill 2875 A section (15) it states, "Activates that:

- (A) Are associated with a dwelling or agricultural building described in this subsection;
- (B) Have received county approval, if necessary, under ORS 215.402 to 215.438; and
- (C) Are located on the same lot or parcel as the dwelling or agricultural building.

How far is the State willing to allow the placement fill or remove fill. Just 25 feet off the edge of the approved permit or the property as a whole gets a free pass to do as they wish?

What steps are going to be in place to ensure that a property next to the build site are not negatively impacted by the adding or removing of fill.

Why remove Lawfully established from the bill. If a party applied for ALL the permits needed from a city, county, state, or federal agencies then they would be covered under current laws. If the city or county correctly issued permits then the property should have a request for fill permit on file that was approved with them in order be given this blank check.

I feel that this blank check will have a negative impact on several areas from the environment to wildlife, and neighboring lands. During a meeting of the House's Committee on Agriculture and Natural Resources, the Chairman stated that the committee needed to review what is seen as problems facing areas with the States wetland since no one else was willing to do so. Several members of the committee committed to reviewing the areas and coming up with the needed changes. If this is the case then why is House Bill 2785 A moving forward. Why not wait until their review in which they stated could take over a year is done before trying to change the law unnecessarily with House Bill 2785 A.

Thank you for your time regarding this matter of concern. If you would like more information please feel free to reach out to me.

Thomas L Woods

Map 2/2003
w/outline

- Legend**
- 📍 28075 Ferguson Rd
 - Feature 1
 - 📏 Line Measure
 - 📏 Line Measure
 - 📏 Line Measure
 - 📏 Line Measure
 - 📏 Line Measure

28075 Ferguson Rd



Map 5/2016
w/outline

- Legend**
- 📍 28075 Ferguson Rd
 - 🔲 Feature 1
 - 📏 Line Measure
 - 📏 Line Measure
 - 📏 Line Measure
 - 📏 Line Measure
 - 📏 Line Measure



28075 Ferguson Rd



Map 6/2014
w/outline

- Legend**
- 📍 28075 Ferguson Rd
 - 🔲 Feature 1
 - 📏 Line Measure
 - 📏 Line Measure
 - 📏 Line Measure
 - 📏 Line Measure
 - 📏 Line Measure



28075 Ferguson Rd



Map 7/2010
w/outline

- Legend**
- 📍 28075 Ferguson Rd
 - 🔍 Feature 1
 - 📏 Line Measure
 - 📏 Line Measure
 - 📏 Line Measure
 - 📏 Line Measure
 - 📏 Line Measure

28075 Ferguson Rd



Map 7/2012
w/outline

- Legend**
- 28075 Ferguson Rd
 - Feature 1
 - Line Measure
 - Line Measure
 - Line Measure
 - Line Measure
 - Line Measure

28075 Ferguson Rd



JULIE FAHEY
STATE REPRESENTATIVE
DISTRICT 14
WEST EUGENE & JUNCTION CITY



May 10, 2017

The Honorable Michael Dembrow
Senate Committee on Environment and Natural Resources
900 Court St. NE
Salem, Oregon 97301

Dear Chair Dembrow and Members of the Committee,

I'm writing to you in support of House Bill 2785-A. This bill would create an exemption from removal-fill permitting requirements for activities related to building, replacing, or repairing agricultural buildings and associated dwellings that were established on or before January 1, 2017 and received all of the required county approvals.

Issues related to the Department of State Lands' wetland removal-fill permits came to the attention of the House Agriculture & Natural Resources Committee after a farmer in my district lost his barn in a fire. He received the necessary approvals from Lane County to rebuild the barn, with no indication on county maps (or any federal or state map) that there may be wetlands on his property that would trigger the need for a removal-fill permit. After the barn was rebuilt, DSL later determined that the project required a removal-fill permit due to soil characteristics and other features.

Though the issues related to removal-fill permits at DSL are broader than this example, this bill would protect farmers who acted in good faith and received necessary approval from their county.

Thank you very much for your consideration.

Respectfully,

A handwritten signature in black ink that reads "Julie Fahey". The signature is written in a cursive style.

Julie Fahey
State Representative