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January 23, 2019

Via e-mail: senr.exhibits@oregonlegislature.gov

Senate Committee on Environment and Natural Resources
900 Court Street NE
Salem, OR 97301

RE: SB 46 – Surface Mining exemptions

Dear Chair Dembrow and Honorable Members of the Committee:

Thank you for the opportunity to comment on SB 46. 1000 Friends is a non-profit organization focusing on land use, sustainable communities and farm and forestland protection across the state of Oregon, in both rural and urban areas. We have serious concerns about this bill, which will allow mining operations without appropriate permitting or reclamation requirements. The bill exempts too many operations and too much acreage from such requirements, resulting in a large loophole particularly in counties with no grading ordinance. For example if an operation were to extract 4999 cubic yards one year and excavate an entire acre the next year, and then continued as such, the operation would never be subject to a permit or any reclamation requirements. In such a case, the operation could slowly but surely decimate a rural area without ever having to address impacts or reclaim the land.

The bill also exempts construction and public works projects as well as “any other physical improvement” without limitation from any permitting or reclamation requirements as long as materials aren’t sold into the commercial market. This means that if an excavation company moves materials from one site to another and gets paid for its work, rather than for the materials, regardless of quantity the operations will not be subject to any permitting requirements. This is highly concerning as the DOGAMI permitting and reclamation process ensures that the property will be returned to a usable state and ensures coordination with other agencies where other resources (such as agricultural soils, water or wildlife habitat) will be impacted. Without the DOGAMI process in place, there is no assurance that any coordination or oversight will occur.

1000 Friends can understand the need for a *de minimis* exemption for certain mining activities from permitting, but this bill is far too broad and we request that the bill be

amended or that you vote no on the bill as currently drafted. Thank you for your consideration.

Sincerely,

Meriel L. Darzen
Rural Lands Staff Attorney