

March 6, 2023

Senate Committee on Natural Resources
Testimony in Support of SB 85-1

Chair Golden, Members of the Committee

I am Ivan Maluski, the co-owner/operator of Shimanek Bridge Farm near Scio, OR testifying today in support of SB 85-1. Our farm is roughly 50 acres of irrigated pasture-land where we raise and finish grassfed beef, goat and pork. We sell our products directly to consumers through a farm stand, at the Salem Saturday Market and sometimes restaurants and food carts. We use irrigation from Thomas Creek, a tributary of the South Santiam, to provide high quality forage for managed rotational grazing and for hay. Our business and even the value of our farm are completely dependent on the long-term availability of water from Thomas Creek.

That is why I was very alarmed to hear that Foster Farms was making a major move into our area from California. One of the proposed sites would raise out 4.5 million birds per year just 7 river miles upstream from our farm. I am very concerned about the unregulated particulate matter and airborne chicken manure and feather dust that will be blown out of the buildings virtually on top of Thomas Creek. This dust is not only harmful to breath for people who live nearby, but it could also have significant impacts to water quality as it settles on the water and streamside areas. Thomas Creek is a stream that, despite being on the DEQ's 303d list of impaired waters, still provides recreational opportunities for the public, irrigation for downstream users, and habitat for winter steelhead, spring chinook, rainbow and cutthroat trout, pacific lamprey and freshwater mussels. But Oregon's rules provide no protection against airborne pollutants from industrial sized CAFOs.

Another major concern I have is that to water these birds, Foster Farms - and the east coast private equity firm that now owns it - will be taking advantage of a loophole in state law that allows unlimited groundwater use for stockwatering. This is completely inappropriate for facilities this size. The highest peak in the Thomas Creek basin is a little over 4000 feet, which means that during much of the dry summer and early fall months, water levels are not likely determined by snowmelt, but by springs and groundwater. There's a lot we don't know about how groundwater and Thomas Creek are connected, and no state agency is even asking that

question or finding out the answers with regard to whether the facility gets a permit to operate or not.

Lastly, the other issue I have is public safety and fire risk in particular. Many of us experienced the Labor Day fires, where extreme east winds blew out of the Cascades at the height of fire season and caused extensive damage to homes and property. The Foster Farms site seven miles upstream and directly to the east from us is absolutely in a zone with substantial fire risk during peak fire season. If a fire breaks out at or spreads to this facility, I just can't see how the local rural fire protection districts, most of which are staffed by volunteers, can manage a fire among the 16 600 foot long buildings. It absolutely poses a unique public safety risk that hasn't been planned for. This issue speaks to the need to allow local counties the ability to enact site specific requirements for facilities of this scale that include reasonable conditions and limitations related to fire risk and other public safety and health issues before they are allowed to be built.

In the 10 years our farm has been operating, we have grown our business despite drought, extreme heat waves, wildfires, ice storms, and seasonal flooding. And we have to assume and plan for the possibility that these extreme weather events will become even more frequent and more extreme over time. While we have been able to handle what nature has thrown at us so far, if the groundwater that feeds Thomas Creek through the dry summer months is depleted by irresponsible withdrawals like what Foster Farms has proposed upstream from us, we would not be able to continue.

Thank you for holding this hearing. Please pass SB 85-1. Oregon clearly needs a time-out on permitting new industrial-scale large confined animal feeding operations until further study and law changes can be made.

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