

February 25, 2013

House Committee on Land Use
State Capitol
900 Court St. NE
Salem, OR 97301

RE: HB 2202

Dear Chair Clem and Members of the Committee,

Rogue Advocates is a Southern Oregon based nonprofit land use sustainability organization. On behalf of our members, we advocate for the protection of resource lands, open space and the creation of livable communities. We thank this Committee for this opportunity to enter testimony in support of HB 2202.

Since our inception in 2006 our organization and its members have had a continued interest in the very issue that this bill addresses: the conflict between aggregate mining and farming on the limited and precious resource of high value farmland. We have seen numerous conflicts arise in our region over mining on farmland and we have fought in some of them. We are also ongoing participants in the Governor's supported mediation process to resolve these conflicts in this region and seek ways to minimize damage of aggregate mining while maintaining a viable local source for aggregate.

It is from this perspective and experience that we submit our comment on this bill. In the simplest terms, this state's high value farmland must be adequately protected from mining so it can serve the needs of all generations now and in the future. While there are reasonable and affordable alternatives to source aggregate other than from farmland, there is no replacement for the best farming soils. As currently practiced, "reclamation" of farmland after mining rarely results in farmable lands. In essence, mining on farmland equals death as far as farming is concerned.

In our region, farmland can be mined for aggregate if it has 30% or less Class 1 & 2 soils. We have seen landowners try to skirt this limit with some creative mapping of parcels to get below the 30% limit. We have seen aggregate mines called "farm ponds" by the counties to allow aggregate extractors and landowners to get around the land use restrictions on mining farmland.

From these experiences, we have learned this basic lesson: No matter where the bar is set, someone will try to find a way around it. This results in a net loss to resource land greater than the law intends; therefore, it is essential to set a high a level of protection as can reasonably be done. Because of this inevitable chipping away effect on resource land, we support this bill's higher standard of 5% for Class 1&2 soils in the Willamette Valley. The

Willamette Valley is this state's best farmland and should have higher protections than other areas for its high value farmland.

The burden of proof should clearly land on the extraction side of the equation. Mining farmland is a one-time use that forecloses on one of this state's truly sustainable industries—an industry that can support Oregon's economy and its families in perpetuity if managed conservatively with a view to the future. For all of these reasons we urge you to support HB 2202.

Sincerely,

Melissa Matthewson

A handwritten signature in black ink that reads "Melissa Matthewson". The signature is written in a cursive, flowing style.

Executive Director
Rogue Advocates