

Trant Lindsay

From: Davidson Ian
Sent: Tuesday, April 14, 2015 12:20 PM
To: Trant Lindsay
Subject: FW: Testimony HB 2666 Hearing 1pm April 16

From: Richard Reid [<mailto:richard@bluffhouse.org>]
Sent: Tuesday, April 14, 2015 12:06 PM
To: Davidson Ian
Cc: Aileen Kaye
Subject: Testimony HB 2666 Hearing 1pm April 16

House Committee on Rural Communities, Land Use, and Water

HB 2666: To flawed to pass.

√ **HB 2666 2(a) Makes the local governing body OR ITS DESIGNEE the adjudicator rather than the courts.**

Compared to trials arbitrations are very unlikely to be either thorough or impartial. With HB 2666 arbitration is generally limited to, “the use of specific technology or methods of mitigation that are reasonable, cost-effective and do not adversely affect the economic viability of the proposed surface mining, processing or associated uses.” The scope of litigation can be much more inclusive.

HB 2666 2(b) This is arbitrary because regulation law is insufficient for these matters.

As population and industrial activity increase, “air quality, noise, water quality and other environmental standards” do not keep pace with cumulative impacts of past activity. HB 2666 limits arbitration to current regulation but legal proceedings create case law and document legal rationale for updating regulation.

√ **HB 2666 2(c) Limiting transportation in this way assumes there are NO impacts between the two points.**

This is a patently absurd assumption that denies opportunities for either arbitration or litigation.

√ **3(a) This severely limits what the objecting party may present to the arbitration.**

However, litigation may reasonably include significant concerns plausibly associated with “significant change in accepted farm or forest practices” and with “the significantly increased cost” of same.

√ **Re HB 2666 1(b) and (d).**

Again, it is extremely unlikely that matters of this import could be fairly adjudicated under HB 2666. Establishing whether a significant change was a “direct result of a use” that caused “an ongoing farm or forest practice to be abandoned” is a complex matter heavily reliant on rules of evidence that do not apply to arbitration.

For these and other reasons HB 2666 should not be allowed out of committee.

Sincerely,
Richard Reid
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