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To: House Committee on Rural Communities, Land Use, Water
Subject: HB 2666
Date: April 16, 2015

I'm here today on behalf of Wildish Sand & Gravel Co. and the Oregon Concrete and Aggregate Producers Association to speak in support of House Bill 2666.

Wildish is a family-owned company that has been supplying Lane County with aggregate products for over 80 years.

Our 340 acre mining site straddles the McKenzie River between Eugene and Coburg ... the time has come to consider expanding the pit by 45 acres.

We recognize that sand and gravel operations are considered LULUs – Locally Unwanted Land Uses.

But we do our best to be good neighbors by conducting our operations in a safe and environmentally responsible manner.

We understand the need for government regulation, and we also understand that the burden of proof in showing that we comply with regulatory requirements is our responsibility.

As we move forward with our expansion request, we will need to hire land use planning consultants, engineers, geologists, biologists and botanists to prepare fact-based studies that address:

- groundwater
- floodplain issues
- wetlands
- wildlife habitat
- traffic
- noise
- dust

Based on our past experience, we anticipate these studies will cost \$10-15,000 – EACH – and then there will be attorney fees as we make our way through the various local, state and federal permitting processes.

ORS 215.296, which specifies the Standards for approval of certain uses in exclusive farm use zones, provides that a mining operation on farm land may be approved if that use will 1) not

force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or 2) significantly increase the cost of accepted farm or forest practices.

The problem with ORS 215.296 in its current form is that there is no clear and objective standard of evidence required of opponents to a mining application to show that surface mining does in fact force a significant change in farm or forest practices or significantly increase the cost of accepted farm or forest practices.

As a result, mine operators must respond to a host of unsubstantiated conjecture and allegations offered by those opposing the mining activity. Examples of the type of claims that an applicant must respond to include:

- noise will adversely affect the reproductive capability of goats, sheep, horses or cows
- soil disturbance will lead to arsenic poisoning in well water
- coyotes will be displaced, putting pheasants on adjacent land in peril
- cows will refuse to eat pasture grass that has mining dust on it
- loss of farm land to mining will tip a farming community" over the edge" because "critical mass" will be diminished

It is expensive and time consuming to respond to claims that are not substantial or based upon objective evidence.

In case of our company, we've spent several hundreds of thousands of dollars to address permit issues on land that was already zoned for sand and gravel operations.

For a company that has a small piece of farm property adjacent to their mine site that they've owned for 30 years, intending to convert it to a mining use as their resource is depleted (which we have), it can be too expensive, too time consuming and too contentious to go through the process to make the site available for aggregate use.

HB 2666 seeks to provide fairness and certainty in the Goal 5 process for an applicant seeking a change in land use from farm or forest to surface mining.

HB 2666 is all about placing fairness in the process. We ask that you support HB 2666 to better enable us to provide our communities with the aggregates that they need.

Thank you for your consideration.



Randall S. Hledik