



March 28, 2017

Honorable Michael Dembrow, Chair  
Senate Committee on Environment and Natural Resources  
State Capitol  
900 Court Street NE  
Salem, OR 97301

**Oregon Natural Desert Association testimony in opposition to SB 644**

Chair Dembrow and Committee Members:

Thank you for the opportunity to provide written testimony on SB 644. Oregon Natural Desert Association (ONDA) is a not-for-profit conservation organization based in Bend that exists to protect, defend and restore Oregon's high desert on behalf of our more than 10,000 members and supporters from across Oregon and beyond.

SB 644 would exclude certain mining operations on federal public lands from reasonable state bonding requirements designed to ensure mined land reclamation. SB 644 would also alter Oregon's land use system in a manner that would allow mining to become a use by right in the exclusive farm use (EFU) zone.

ONDA is concerned that the SB 644 provision exempting mining operations on federal lands from state bonding requirements could create significant exposure to financial and legal liabilities for the State of Oregon in the event of needed mined land reclamation activities. In instances where federal bonding requirements may not adequately cover the full range of mining activities and potential impacts under State of Oregon jurisdiction, SB 644 could create potentially significant reclamation liabilities and risk to environmental and other resources of the state. SB 644 would therefore be contrary to the intent of the Oregon Mined Land Reclamation Act and the policy of the State of Oregon with respect to mining reclamation (ORS 517.760). Additionally, the Oregon Mined Land Reclamation Act clearly encourages coordination among mine permitting agencies and provides ample opportunity to avoid duplicative or burdensome bonding requirements. Therefore this provision of SB 644 is unnecessary and potentially harmful to Oregonians and should not be pursued.

SB 644 also proposes troubling changes to Oregon's land use system with respect to establishing mining operations by right in EFU zones in several eastern Oregon counties. Mining is not a farm use and in many cases can be at odds with the intent of the EFU zone. Mining facilities may be expansive in scale and be on the landscape for decades. Large-scale and long duration mining operations can result in significant impacts to the environment, including water quality, water quantity and air quality, each with very real implications for farm uses. Furthermore, mining operations often result in increased demands on infrastructure such as roadways and power supplies which can also impact existing, permitted uses in the EFU zone. The potential impacts of mining operations on other EFU uses warrant thorough planning and review under Oregon's land use system. The Oregon Mined Land Reclamation Act correctly and appropriately classified mining in EFU as a conditional use subject to review. SB 644 should not advance and alter the current regulatory framework for mining in the EFU zone.

ONDA opposes SB 644 and the proposed changes to eliminate surface mining reclamation bonding requirements for certain mining activities. ONDA also opposes the provisions of SB 644 that would fundamentally alter Oregon's land use laws with respect to mining activities in the EFU zone in certain eastern Oregon counties. Mining requires thoughtful and comprehensive regulation and oversight to ensure that impacts to the environment, other land uses and communities are minimized. Without appropriate safeguards the result is all-too-often the long-term degradation of the environment and impacts to human health, safety and well-being. Oregon's Mined Land Reclamation Act currently provides needed environmental protections and ample flexibility for mining operators and should not be altered as envisioned in SB 644.

Sincerely,

A handwritten signature in black ink that reads "Dan Morse". The signature is written in a cursive, slightly slanted style.

Dan Morse  
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