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Cc: [Raszka Shelley](#); [SENR Exhibits](#); [Patrino Beth](#)
Subject: My testimony in opposition to SB 644
Date: Wednesday, March 29, 2017 11:47:08 AM

Chairman Dembrow and committee members,

Please accept this as my written testimony in opposition to SB 644 which I understand is set to be heard by the Senate Committee on Environment and Natural Resources.

I oppose in particular Section 3 of SB 644 which would limit only to a person “engaged in commercial sand, gravel or crushed stone mining” from the requirement to obtain an exclusion certificate from the State Department of Geology and Mineral Industries to engage in surface mining that results in the extraction of 5,000 cubic yards or less of minerals or affects less than one acre of land within a period of 12 consecutive calendar months. The protections to the public afforded by current law by ORS 517.750 (15) should continue regardless of the person’s purpose for surface mining. Such surface mining can be as harmful or more harmful than that done for commercial purposes. I see no legitimate rationale to limit the applicability of the requirement to obtain an exclusion certificate, regardless of the purpose of the surface mining. I am a resident of Deschutes County where non-commercial surface mining has occurred in a number of instances that is not in the public interest. Regulation of such activity should not be reduced; rather, it should be maintained or enhanced to ensure that land uses that actually occur will be appropriate and consistent with state and local land use policy needs and objectives.

For similar reasons, I particularly oppose provisions of SB 644 that would allow surface mining to occur as an outright allowed use on property zoned for exclusive farm use only. Wherever local land use zoning currently provides conditional use approval to engage in surface mining, such rules should remain in effect and should not be overridden by a change in state law such as proposed in SB 644. Having local review of such land uses is essential to fulfilling local needs, including assuring Goal 5 protected resources are indeed protected for the benefit of the local community and not exploited for commercial or non-commercial purposes by in contravention of such protections.

I favor SB 3’s provisions in regards to motorized mining in rivers and streams. I believe the SB 3 provisions more aptly embrace concerns the late Senator Bates had and see no merit in addressing this topic in the manner set forth in SB 644.

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