

TESTIMONY: HARNEY COUNTY FARM BUREAU

SB 644

Senate Environment and Natural Resources Committee

March 29, 2017

Chair Dembrow and Members of the Committee:

Harney County Farm Bureau writes today to express concern over the land use changes proposed by SB 644. We are concerned that the changes will reduce the ability of farmers and ranchers in our county to raise concerns at the local level about negative impacts from mining projects that are proposed to be sited in the County. We ask the Committee not to change current law, which has been allowing mining while ensuring that impacts to neighboring farms and ranches are taken into account.

We want to start by saying that we support the mining industry and welcome additional mining in our county. We think it will bring much-needed revenue and jobs into our county and we look forward to working with the mining interests to develop the mining industry in our county. However, agriculture is the life-blood of Harney County. With nearly \$90 million in economic value as of 2012, agriculture is the economic driver of the County.

When a mine is going in next to a farm or a ranch, there is some potential for conflicts if the mining operation is not structured correctly. The county land use process gives farmers and ranchers a vehicle to raise those concerns and ensure they are addressed before the project moves forward. SB 644 would remove neighboring farmer and ranchers' ability to raise concerns about the impacts of a new mine on their operations on lands zoned for exclusive farm use.

Currently, Oregon law requires that any proposed mining project receive county approval when it is located on land zoned for exclusive farm use. As part of this process, the county must find that the project will not significantly increase the cost of nearby agricultural operations or force a significant change on those operations. If the county finds that there are impacts to farmland, the county will require the mining operation to mitigate those impacts. If the impact cannot be mitigated or the operation won't agree to the mitigation, the permit would not be granted. However, in Harney County, denial of a mining permit is extremely rare. **In fact, all four of the mining and aggregate projects proposed since 1997 were granted land use approval by the County.**


Under the base bill, mining would become an "outright permitted use" on land zoned for exclusive farm use, which means that the county would not impose any conditions on the use and mining would be allowed without any county land use findings. The -3 amendments would create an entirely new set of criteria for evaluating mining applications than exist for any other use allowed on farm zoned property in the state. These criteria set a concerning precedent, and completely ignore any potential impact from the mine on neighboring farm and ranch land, despite the fact that the underlying land is zoned for exclusive farm use.

While the operation would still be required to get all required state and federal permits, including the permit from DOGAMI and any other permits triggered by the type of operation, these permits do not address impacts to agriculture, and will not ensure that mining operations will not impact farms and ranches.

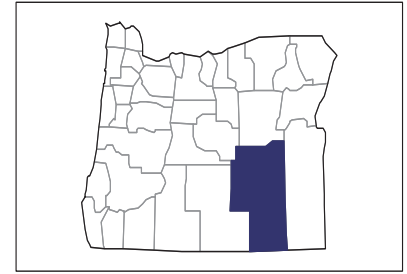
We are also concerned about the -3 amendments creating a new “right to mine” provision that would ban nuisance or trespass actions for mines that comply with their required permits. As discussed above, this bill would remove the ability of farmers and ranchers to raise concerns about impacts from mining on their operations through the land use process, meaning farmers would be unprotected by state and local permits. The right to mine law would then eliminate any ability they have to seek recourse for any damages the mine causes to their agricultural operations. The statute has no provision that provides for lawsuits for damage to commercial agricultural products or for physical injury. It is not tied to the zoning of the property. We are concerned that this protection is overly broad, and risks causing further harm to impacted farms and ranches.

Thank you for the opportunity to submit comments on SB 644. We hope you can address our concerns in the legislation, and we look forward to working with the mining industry to help them establish in our county in a manner that ensures that both our industries will be productive into the future.

Sincerely,

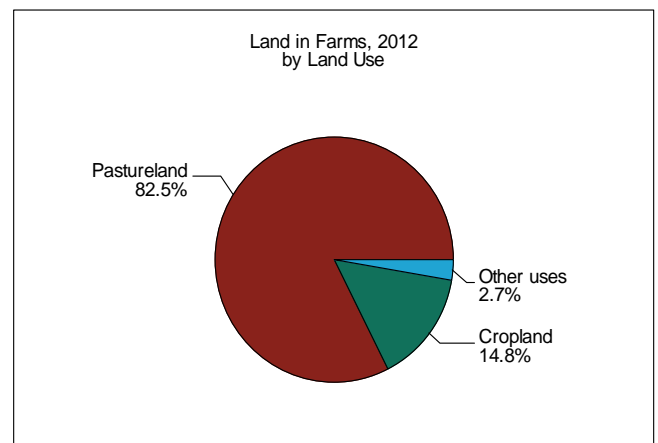
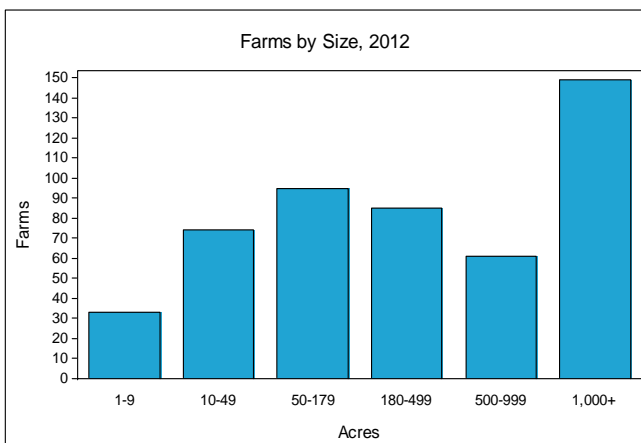
A handwritten signature in black ink, appearing to read "Thurston Inglis". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

Thurston “Rusty” Inglis
President, Harney County Farm Bureau



Harney County Oregon

	2012	2007	% change
Number of Farms	497	523	- 5
Land in Farms	1,505,437 acres	1,461,508 acres	+ 3
Average Size of Farm	3,029 acres	2,794 acres	+ 8
Market Value of Products Sold	\$88,946,000	\$51,735,000	+ 72
Crop Sales \$37,088,000 (42 percent) Livestock Sales \$51,857,000 (58 percent)			
Average Per Farm	\$178,965	\$98,919	+ 81
Government Payments	\$1,414,000	\$535,000	+ 164
Average Per Farm Receiving Payments	\$11,404	\$6,863	+ 66





Harney County – Oregon

Ranked items among the 36 state counties and 3,079 U.S. counties, 2012

Item	Quantity	State Rank	Universe ¹	U.S. Rank	Universe ¹
MARKET VALUE OF AGRICULTURAL PRODUCTS SOLD (\$1,000)					
Total value of agricultural products sold	88,946	16	36	1,274	3,077
Value of crops including nursery and greenhouse	37,088	22	36	1,338	3,072
Value of livestock, poultry, and their products	51,857	9	36	878	3,076
VALUE OF SALES BY COMMODITY GROUP (\$1,000)					
Grains, oilseeds, dry beans, and dry peas	351	30	33	2,482	2,926
Tobacco	-	-	-	-	436
Cotton and cottonseed	-	-	-	-	635
Vegetables, melons, potatoes, and sweet potatoes	(D)	33	35	(D)	2,802
Fruits, tree nuts, and berries	(D)	32	34	(D)	2,724
Nursery, greenhouse, floriculture, and sod	8	32	32	2,551	2,678
Cut Christmas trees and short rotation woody crops	-	-	29	-	1,530
Other crops and hay	36,706	8	36	79	3,049
Poultry and eggs	19	31	36	2,091	3,013
Cattle and calves	51,065	3	36	264	3,056
Milk from cows	-	-	32	-	2,038
Hogs and pigs	8	33	34	2,210	2,827
Sheep, goats, wool, mohair, and milk	211	22	36	757	2,988
Horses, ponies, mules, burros, and donkeys	501	8	36	556	3,011
Aquaculture	-	-	30	-	1,366
Other animals and other animal products	53	23	35	1,399	2,924
TOP CROP ITEMS (acres)					
Forage-land used for all hay and haylage, grass silage, and greenchop	173,418	1	36	4	3,057
Field and grass seed crops, all	736	15	24	102	583
Wheat for grain, all	419	25	29	1,925	2,537
Spring wheat for grain	(D)	21	29	(D)	633
Rye for grain	(D)	1	9	(D)	950
TOP LIVESTOCK INVENTORY ITEMS (number)					
Cattle and calves	104,186	3	36	113	3,063
Horses and ponies	3,288	8	36	160	3,072
Sheep and lambs	2,385	20	36	387	2,897
Layers	1,373	26	36	1,608	3,040
Goats, all	570	18	36	1,097	2,996

Other County Highlights, 2012

Economic Characteristics	Quantity	Operator Characteristics	Quantity
Farms by value of sales:		Principal operators by primary occupation:	
Less than \$1,000	105	Farming	284
\$1,000 to \$2,499	34	Other	213
\$2,500 to \$4,999	42	Principal operators by sex:	
\$5,000 to \$9,999	39	Male	433
\$10,000 to \$19,999	36	Female	64
\$20,000 to \$24,999	11	Average age of principal operator (years)	58.1
\$25,000 to \$39,999	32	All operators by race ² :	
\$40,000 to \$49,999	14	American Indian or Alaska Native	7
\$50,000 to \$99,999	35	Asian	-
\$100,000 to \$249,999	67	Black or African American	-
\$250,000 to \$499,999	32	Native Hawaiian or Other Pacific Islander	-
\$500,000 or more	50	White	832
Total farm production expenses (\$1,000)	79,737	More than one race	4
Average per farm (\$)	160,437	All operators of Spanish, Hispanic, or Latino Origin ²	8
Net cash farm income of operation (\$1,000)	14,197		
Average per farm (\$)	28,565		

See "Census of Agriculture, Volume 1, Geographic Area Series" for complete footnotes, explanations, definitions, and methodology.

- Represents zero. (D) Withheld to avoid disclosing data for individual operations.

¹ Universe is number of counties in state or U.S. with item. ² Data were collected for a maximum of three operators per farm.