



Jennifer M. Bragar
Attorney
Admitted in Oregon, Washington,
and California
jbragar@tomasilegal.com

121 SW Morrison St, Suite 1850
Portland, Oregon 97204
Tel 503-894-9900
Fax 971-544-7236
www.tomasilegal.com

May 22, 2017

BY EMAIL

House Committee on Agriculture and Natural Resources
c/o Derrick Wheeler
900 Court Street NE
Salem, OR 97301

Re: Comments on SB 1036 – Surface Mining Exemptions

Dear Chair Clem and Committee Members:

I am writing about Senate Bill 1036, that proposed, through amendments in late April 2017, to add a surface mining permit exemption under ORS 517.750(15)(b)(G) as follows:

"Excavation or grading operations necessary for construction and maintenance of utilities, drainage facilities and irrigation facilities, where the excavated material is used on site and is not sold into the commercial market as aggregate material."

How will this apply to a currently litigated matter outside of Bend involving an unpermitted water ski lake, and construction of other water ski lakes, as well as excavation on lands designated as protected winter range for deer and elk? As currently drafted, I am concerned that the bill creates a large-carve out for this kind of activity throughout the state.

I request that ORS 517.750(15)(b)(G) be removed from the bill, or expressly except reservoir facilities from the exemption in subsection (G). Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads 'Jennifer M. Bragar'. The signature is fluid and cursive, with a long horizontal line extending to the right.

Jennifer M. Bragar

JMB/dh