



133 SW 2nd Avenue, Suite 201 • Portland, OR 97204 • (503) 497-1000 • fax (503) 223-0073 • www.friends.org
Southern Oregon Office • PO Box 2442 • Grants Pass, OR 97528 • (541) 474-1155 • fax (541) 474-9389
Willamette Valley Office • PO Box 51252 • Eugene OR 97405 • (541) 520-3763
Central Oregon Office • 155 NW Irving Ave • Bend OR 97703 • (541) 797-6761

February 21, 2017

House Committee on Agriculture and Natural Resources
State Capitol
900 Court Street NE
Salem, OR 97301

RE: HB 2106– Legislation addressing mining

Chair Clem and members of the Committee:

Thank you for the opportunity to provide testimony on HB 2106, a bill addressing certain aspects of mining in Oregon. 1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities; protect family farms, forests and natural areas; and provide transportation and housing choice.

HB 2106 has multiple sections. 1000 Friends' opposition is focused on Sections 14 and 15, which would allow mining as an outright use on farmland in Eastern Oregon counties. These provisions would mean that mining can occur on land zoned for exclusive farm use, grazing, or other agricultural uses with no local land use review. This proposal is problematic for several reasons:

- 1) Mining is not a farm use. Oregon Statewide Planning Goal 3 states: “Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and the state’s agricultural land use policy expressed in ORS 215.243 and 215.700.” Pursuant to Statewide Goal 3, outright uses on farmland should be limited to farm and farm-related uses.
- 2) Mining is currently allowed as a conditional use on EFU land, provided the operations will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. These protections, set forth in ORS 215.296, provide assurances that nonfarm uses will not undermine the agricultural economy of an area zoned for farming. These sideboards should continue to be applied to mining projects, providing a balance that allows mining on EFU lands where appropriate.
- 3) Mining can and does conflict with farm uses; allowing it as an outright use will take away the ability of local governments to place reasonable limitations on mining operations that take into account other valuable resources in the area, including farming, ranching, and wildlife. The current law, allowing mining on farm land as a conditional use, is sufficient to balance all interests.

Respectfully submitted,

Meriel L. Darzen
Circuit Rider Staff Attorney