

Watts Remy

From: Bradaigh Holt <BHolt@ykw.net>
Sent: Thursday, January 24, 2019 10:31 AM
To: SENR Exhibits
Subject: Opposition to SB 46

I am writing to ask that the State remain in an overwatch position when it comes to large scale excavation on land. Development of land is a necessity as Oregon grows, however there needs to be some hand holding to allow construction on land regarding grading. Currently Surface mining is a control method in which when "soil" is moved or removed, the land must be returned to a status keeping erosion and land subsistence to a minimum to retain the land character for present or future use.

I am aware that the County of Deschutes has been discussing a grading ordinance, but they along with the City of Bend have thus far failed even with DOGAMI involved to be actively involved in "surface mining." Since the County does not have staff with sufficient knowledge, the expertise of DOGAMI has been largely ignored and wasted. Deschutes County has not been good shepherds of our land development – even allowing development on land that they know has been surface mined, but not compacted – creating dangerous situations for constituents.

In the time we've lived in Central Oregon we have seen too many flagrant errors created, even after DOGAMI was involved to some degree, and the County overrides their own errors to accomplish their own goals, ignoring DOGAMI. Examples of which are:

1. the KCDG fiasco in the Tumalo area;
2. the KG Ranch water ski lake in the Alfalfa area that is now being removed by that property's owner);
3. A surface mine (near Sisters)
4. A surface mine turned into a sinkhole under a football field (in Bend)
5. A surface mine (540 acres) of which an area with up to 100 feet depth of loose fill was approved as pasture land by DOGAMI – and the County allowed a County dedicated road to be built on the land without compaction. During the winter of 2017 part of the road collapsed (10'x15'x10') trapping adjacent land owners. The County had all of the information they needed from DOGAMI, yet failed to provide any guidance for the Developer. (in Tumalo)

It is important that DOGAMI remains proactive. This allows the community a basis that can be used to keep reign on rampant, dangerous, development. Large scale excavation for on-site construction should continue to be regulated by DOGAMI at the state level, even for projects authorized by local jurisdictions because:

- Local jurisdictions often do not have grading ordinances or otherwise regulate excavation activities.
- Local jurisdictions do not have staff or the technical knowledge to properly regulate excavation plans and operations.
- DOGAMI will coordinate with other state agencies to evaluate the impact of excavation on natural resources, public health and safety, protection of archeological resources, etc. whereas the local land use authority will not.
- Many years ago, the state law was changed to treat on-site construction surface mining as subject to regulation by DOGAMI. The protection this provides to the public interest should not be abandoned. No compelling reason has been provided to justify undoing what the legislature previously and wisely enacted.

- Exempting large scale on-site construction excavation activities from DOGAMI regulation will result in exploitation and destruction of natural resources without adequate consideration of the public interest, public safety and without adequate public participation.

I believe it is important to strengthen DOGAMI, not weaken, its ability to provide controlled (for the right reasons) development of our lands. I strongly oppose the SB 46 bill proposing to add to the Oregon Revised Statutes Section 517.750 a new subsection (16)(b)(H) that excepts the following from the definition of surface mining:

- (H) Excavation or grading operations that are necessary for the on-site construction of a building, public works project or other physical improvement authorized by the local jurisdiction with land use authority, unless any excavated minerals are sold into the commercial market.

Please consider the safety of your constituents and do not cripple the guidance and control that DOGAMI provides. Please oppose this bill.

Thank you,
Warren "Jim" Holt
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