

Rebuttal to Gonzales Testimony presented in support of HB 3044 on March 26, 2019 to the House Natural Resources Committee

As a representative of Roseburg Resources, Co, the major timberland owner in the vicinity of where Jason Gonzalez lives, I took offense to the many false statements he made in his testimony to your Committee. This testimony, based on actual knowledge of our activities in the vicinity of where Jason lives, is intended to correct the record on a number of false and misleading statements made by Jason to this Committee. His testimony can be seen on the video recording of the hearing from 21 minutes 42 seconds to 26 minutes and 3 seconds. I have transcribed key segments of his testimony (*in italics*) that I find to be patently false and offer the following rebuttals to go with each of these segments;

Context: His kids attend the Triangle Lake K-12 Public Charter School.

Gonzales Statement: *"My kids are not allowed to drink the water because they know there are herbicides in their water."*

Rebuttal: This statement suggests that the school has imposed a drinking water ban when in fact this is a self-imposed decision by Jason for his kids not to drink the water at this school because of his perception that the water at the school is contaminated by herbicides. To rebut this statement, I refer you to the following link from the Oregon Health Authority which provides over 10 years of water quality test results for the water source of the Triangle Lake School that Jason's kids attend.

<https://yourwater.oregon.gov/chemlatest.php?pwsno=90556>

The second to last column reports detections and the last column reports the maximum contaminant level or MCL which is the maximum concentration level allowed in public drinking water systems. There were **no detections for forestry chemicals** in these reports with only copper, lead, sodium and nitrates being found in the water and with most of these detections being below the MCL threshold and only a couple identified in red boldface as exceeding the MCL for Copper. Based on this information **it is clear that herbicides are not present in the water at this school and Jason's testimony to the contrary is patently false.**

Context: Jason refers, in several statements, to the proximity of clear cuts to his home and all of the aerial spray activity occurring around him.

Gonzales Statements:

1. *"Helicopters flying around our property lines with zero feet of buffer literally spraying probable carcinogens as labeled by the World Health Organization."*
2. *"Herbicides in our streams, in our gardens, drifting all around us."*
3. *"To me it is somewhat offensive as a person who lives underneath these helicopters, who lives underneath these clear-cuts which surround my property."*
4. *"I have at this time, 5 clear-cuts that are in the spray cycle within a quarter mile of my drinking water that feeds my family. It is the only drinking water source that our household since long before we've been there have ever known."*
5. *"If we don't even know where these things are going let alone we can't find out what they actually sprayed and when they actually going to spray it so we can do anything about it such as turn off my drinking water intake, maybe keep my pets inside, maybe even take care of my horses as I would if any other aircraft was flying around the property if I was worried about it. How are we supposed to respond, how are we supposed to trust that this industry cares to do right."*

Rebuttal:

1. Referring to the map included in this rebuttal you will see that **no clear cuts adjoin the property that Jason lives on** which in fact he does not own but rents a small house on from the actual property owner, Dave Eisler. The property that Jason lives on is bordered to the east and west by BLM lands, rural residential to the north and south with only a small segment (6% of Eisler's total property lines) along the southern property line adjacent to Roseburg's timberlands that have not yet been harvested. **This statement is therefore patently false.**

The reference to probable carcinogens is most likely a reference to the recent press surrounding Glyphosate with the vast amount of scientific evidence strongly asserting it is not carcinogenic with only one study published by WHO that suggests it might be. **This is simply an example of cherry picking scientific data to push an anti-spray agenda and create fear in the public arena.**

2. If this statement is correct then why hasn't Jason called up ODA and filed a complaint. If he did, ODA would come out and assess his complaint and take samples to confirm these claims if they thought they were valid. **These are nothing more than unsubstantiated claims put out there to stir up emotional sentiment to suggest there is a problem where none exists.**
3. As the dominant private timberland owner in the vicinity of Dave's property I can state with certainty that Jason does not live underneath the constant presence of helicopters or underneath clear-cuts.
4. Referring to the map included in this rebuttal you will clearly see that **there are no clear-cuts within a quarter mile** circle of Jason's residence or Dave's property. Giving Jason the benefit of the doubt that he doesn't know his distances I included an additional radius showing that **there are no clear-cuts within a ½ mile** of Jason's residence or Dave's property with one clearcut just on the very edge of this ½ mile radius. This clear-cut and another clear-cut approximately ¾ mile east of Dave's property were last aeriually sprayed back in 2016. These clear-cuts are now free-to-grow with no further aerial spraying occurring on them in the next 40+ years until the stands are harvested again. **For the record, there has been zero aerial spray activity in the vicinity of where Jason lives since then and none planned in the immediate future.**

It is unclear where Jason gets his drinking water? A search of the Oregon Water Resources Department's (OWRD) online records show no surface water rights registered to Jason's address. If he is collecting surface water for domestic purposes as his testimony suggests then it would appear he may be violating State Law. A map downloaded from OWRD's website showing only one current legally registered surface water system for Dave's property is attached and it clearly shows it is not legally registered to provide water to Jason's home site. **His statement that his drinking water source is within ¼ mile of 5 clear-cuts that are in the spray cycle is therefore patently false.**

5. Dave has subscribed to the Oregon Department of Forestry to receive any and all Notifications of Operations in the vicinity of his property for many years and actually predates the current FERNS system. Jason is also a subscriber who subscribes to the area near his home as well as over 120 other sections of timberlands. **Dave and Jason stay informed of all forest activities within the vicinity of their homes courtesy of the FERNS subscriber system.** Dave also has a relationship

with our District Forester and has at times reached out to us and inquired about our operations. Jason and Dave both know who to contact at Roseburg if they have any questions or concerns. **To date, Jason has never shown that he cares by contacting our company to inquire about any operation we have conducted within his subscription area including the aerial spray operations we did prior to 2016 just outside the ½ mile circle on the map that he would have received notification on. For him to say that he is not aware of our planned activities is again patently false.**

Roseburg, as do most timber companies, communicates directly with its adjacent neighbors regarding planned activities. **This is not mandated by law but it is how Roseburg, and other companies, engages with its neighbors particularly those that have expressed concerns with our activities.** We have established a dialogue with Dave and while he may ultimately disagree with our practices he accepts that we have a right to do them and appreciates the communication and relationship we have with him. We leave it to Dave to communicate this information to his tenant, Jason, and if he isn't then we suggest that Jason talk to Dave and get in the communication loop. We communicate with Dave because of our long standing relationship with him that predates Jason who has only been on the property for approximately 8 years and because Dave he is the owner of record of the property that Jason lives on.

Respectfully Submitted

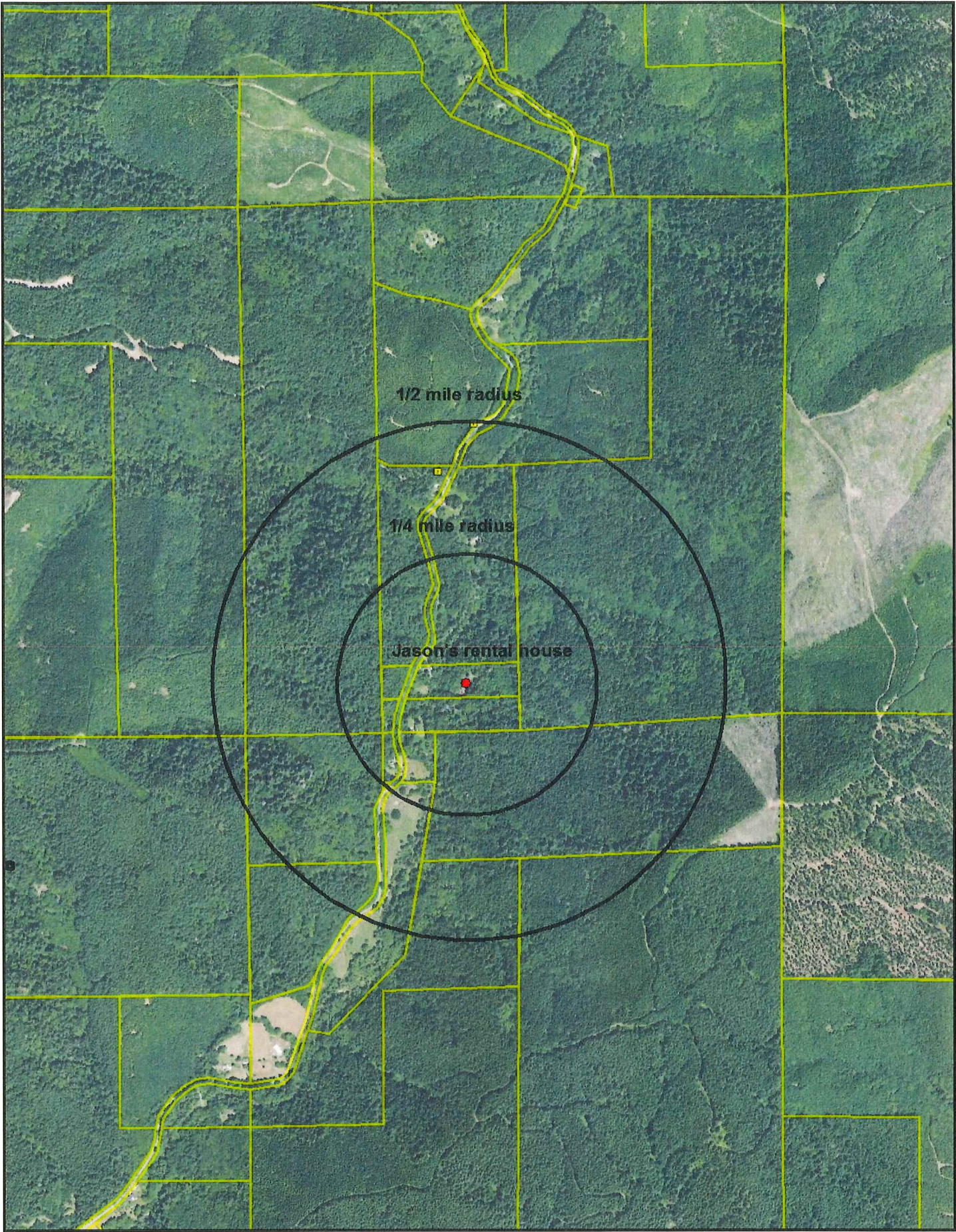


Mark Wall

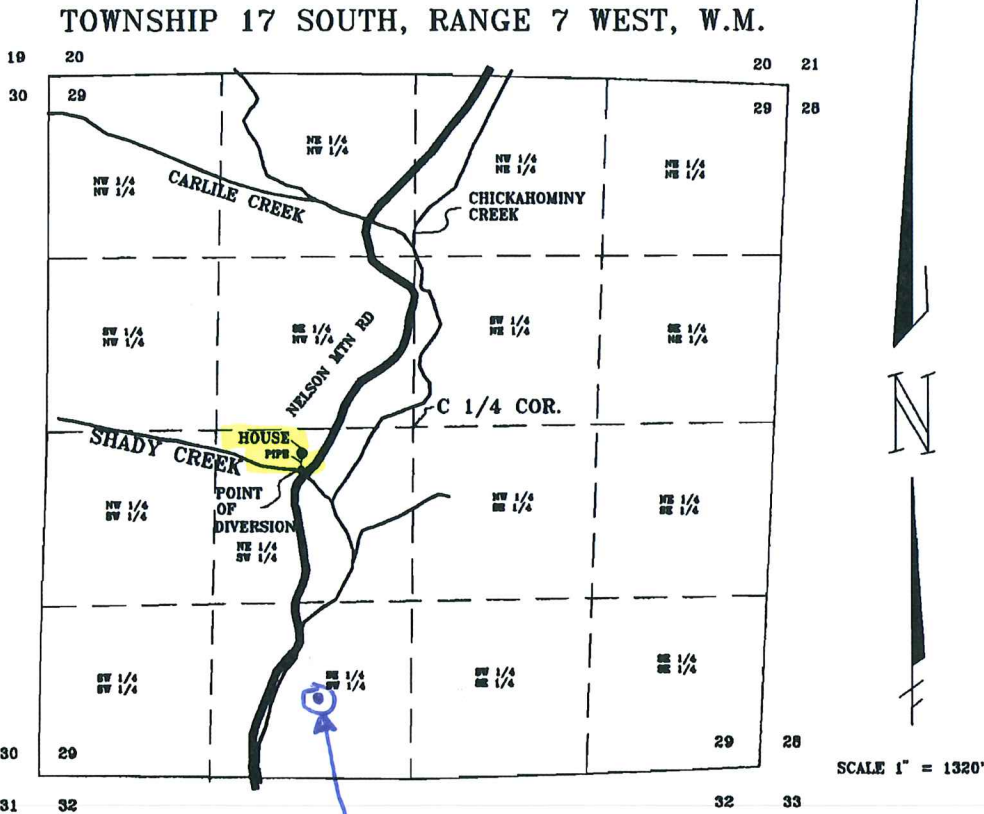
Land & Timber Manager

Roseburg Resources, Co.

Jason Gonzales Vicinity Map



Map from Oregon Water Resources Dept website showing Dave Eisler's registered Water right which does not serve Jason Gonzales home



POINT OF DIVERSION
S 67° 52' 20" W 896.13' FROM
THE CENTER 1/4 OF
SECTION 29.

THE DIMENSIONS AND CAPACITY OF DIVERSION
SYSTEM IS THE FOLLOWING:
WATER DIVERTED BY 1" PIPE FROM CREEK TO
100 GALLON STORAGE TANK THEN INTO HOUSE
WATER PUMPED INTO STORAGE TANK VIA 5HP MOTOR

NOTE:
THIS MAP WAS PREPARED FOR THE
PURPOSE OF IDENTIFYING THE LOCATION
OF THE WATER RIGHT ONLY. IT IS
NOT INTENDED TO PROVIDE DIMENSIONS
OR LOCATION OF PROPERTY OWNERSHIP
LINES.

FINAL PROOF SURVEY
PRE 1909 WATER RIGHT MAP
FOR DOMESTIC USE
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WALTON, OR 97490
PH (503)935-7847
BY
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