



March 29, 2017

Oregon Conservation Network Testimony on SB 644

Senator Michael Dembrow and Senate Environment and Natural Resources Committee
Members

Oregon State Capitol
Salem, OR 97301

Dear Chairs and Committee Members:

Good afternoon Chair Dembrow and Committee Members,

For the record my name is Paige Spence and I am the Director of the Oregon Conservation Network. The Oregon Conservation Network is coordinated through the Oregon League of Conservation Voters and is a coalition of nearly 40 not-for-profit organizations united to advocate for pro-conservation legislation and fighting policies that threaten our state's natural legacy.

The Oregon Conservation Network includes groups such as Trout Unlimited, 1000 Friends of Oregon, the Oregon Natural Desert Association, Center for Biodiversity, Rogue Riverkeeper, and the Native Fish Society. ALL of these groups have staff members who have either submitted written testimony or are here in person testifying with me today. The Oregon Conservation Network strongly opposes SB 644 with the -3 amendment and thanks you for the opportunity to discuss our concerns.

Section 1 sub 3 of SB 644 -3 revises ORS 215.283, which sets forth the uses permitted in exclusive farm use zones.

The changes proposed in this section would allow mining as an allowable use in seven counties eastern Oregon counties on land zoned for exclusive farm use. And the county would only have the authority to deny a land use permit for mining, in exclusive farm use, only in very limited circumstances outlined in the bill.

I want to be very clear - Mining is not a farm use. There is a list of non-farm uses already allowed on farm land (for example, dog training, model aircraft flying, utility facilities, parks). Unlike some of these uses, however, the impact of mining is much greater - it removes large quantities of topsoil and disrupts large areas, taking the land out of farm use forever. Allowing mining in exclusive farm use areas could be very damaging to our state's agricultural lands.

Moreover, these provisions are simply not necessary. Mining is already allowed as a conditional use on EFU land, provided the operations will not force a significant change or increase the cost of accepted farm or forest practices on surrounding lands. These protections, set forth in ORS 215.296, provide assurances that nonfarm uses, like mining, 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 exclusive farm use lands where appropriate.

A separate reason that this committee should not support SB 644 is that in 2015, Oregon completed a comprehensive plan to conserve sage grouse - the signature bird of sagebrush habitats in eastern Oregon - and these measures played a very key role in the federal government's 2015 determination that sage grouse did not need the protection that comes from listing the sage grouse under the Endangered Species Act, which allows our state to avert a whole host of new federal regulatory restrictions. If we pass SB 644 with the -3 amendment, the state's Sage Grouse Action Plan may very well be undermined - and if the sage grouse does become federally listed under the ESA - and that listing is up for review in 2020 - Eastern Oregon could see severe federal mandates that could detrimentally restrict land use.

The provisions of SB 644 with the -3 amendment leaves the statewide conservation community with serious concerns about negative environmental impacts, and we very respectfully urge you not to move this bill out of this committee - either to the floor or to any other committee.

Sincerely,

Paige Spence
Director, Oregon Conservation Network