



*Providing Natural Resource Leadership*

March 30, 2017

Senator Michael Dembrow, Chair  
Oregon Senate Committee on Environment and Natural Resources

Honorable Chair Dembrow and Members of the Committee:

For the record, my name is Leo Krick and I reside at 21605 SW Cherry Hill Road, Sheridan, Oregon. I am a resident of Yamhill County and one of seven directors on the Yamhill Soil and Water Conservation District. Today I am testifying on the district's behalf.

Our conservation district opposes Senate Bill 1036. We anticipate very serious consequences if the legislative change is approved. The proposed change in the definition of surface mining in ORS 517.750 essentially eliminates the Department of Geology and Mineral Industries (DOGAMI) ability to regulate fill and removal, surface mining, and earthmoving activities in wetlands or sensitive areas operated as landfills.

The state has an entrusted statutory responsibility to protect natural resources and water resources, and to provide oversight of fill and removal activities, and mining operations. This is accomplished through DOGAMI's review and approval of an operation's reclamation plan. According to ORS 517.702 to 517.989, a reclamation plan must provide written information such as, measures to be undertaken to protect natural resources, procedures to minimize erosion, sedimentation, and pollution, and measures for site rehabilitation among other requirements. DOGAMI's review and approval of a required reclamation plan is a vital safeguard that needs to be retained. The proposed legislation will allow landfills to forego this requirement and conduct removal activities without receiving DOGAMI input and approval, and without meeting the typical fill and removal permit requirements of the Oregon Department of State Lands. A reclamation plan requires an operation to address important natural resource concerns and outline plans and measures that assure reasonable protections to adjoining lands.

In Yamhill County, the proposed legislative change would allow the Riverbend Landfill operation located adjacent to the South Yamhill River and floodplain, to remove fill from any area located within the boundaries of the landfill, without addressing critical issues such as:

- Impacts of removal activities to adjacent wetlands and stream channels
- Impacts to channel stability and potential for channel migration
- Likelihood of channel migration and impact to existing landfill structures
- Impacts to threatened and endangered species protected under federal law
- Soil quality impacts and ability of soils to filter contaminants and protect water quality
- Impacts to adjacent landowners, fish and wildlife, and local water users

The proposed legislation is bad for Oregon and its natural resources. If approved, it would eliminate the process specifically established in law to protect natural resources and to provide assurance that sites have reasonable reclamation plans. Thank you for the opportunity to comment on this proposed legislation and for supporting a "no" vote on Senate Bill 1036.