



50 SW Bond St., Ste. 4 | Bend, OR 97702
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May 25, 2017

Via Email

House Committee on Agriculture
and Natural Resources
c/o Derrick Wheeler
900 Court St., NE
Salem, OR 97301

Re: Comments on Senate Bill 1036 -- Surface Mining Exemptions

Dear Chair Clem and Committee Members:

I am writing on behalf of Central Oregon LandWatch, a conservation organization with over 200 members in Central Oregon, in opposition to Senate Bill 1036 and in particular with regard to provisions associated with ORS 517.750(15)(b)(G).

We have recently been opposing the construction of two large “reservoirs” that were supposedly for irrigation, one just northwest of Bend in the Tumalo area and one east of Bend in the Alfalfa area. These “reservoirs” are totally inappropriate but future projects such as these would apparently be allowed by SB 1036 which would exempt from having to have a surface mining permit the excavation or grading operations necessary for construction or maintenance of “irrigation facilities.”

Both “reservoirs” were characterized as “irrigation facilities” though actually designed as waterski lakes. See the attached photos of the two so-called “irrigation facilities.” Both had the express or tacit approval of the associated irrigation districts. Both reservoirs were, in fact, for recreation and/or as an amenity for residential development. Both also did substantial damage to natural resources, one in the EFU zone ruining land for farming and destroying a wetland and one in a rural residential zone disrupting wildlife habitat in the Tumalo Deer Winter Range.

Additionally, in the last year or two an irrigation district in the Tumalo area engaged in substantial mining of land in a part of a reservoir no longer functioning as an effective irrigation facility. The irrigation district was actually just mining the land for fill to be used elsewhere on other projects. The irrigation district called the mining “maintenance” but the



County succeeded in citing and fining the district for mining without a permit and was upheld on appeal.

Either ORS 517.750(15)(b)(G) should be deleted from the bill or the reference to “irrigation facilities” should be deleted.

Thank you for consideration of this matter.

Very truly yours,

/s/ Paul Dewey

**Paul Dewey,
Executive Director**

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2,000.7 Feet

PAULA LN

TUMALO CREEK

BUCK DR

