



## Friends of the Tumalo Wildlife Corridor

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A Public Benefit Non- Profit Corporation registered in Oregon: 996512-92

**BY EMAIL**  
May 26 2017

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

### **Re: Comments on SB 1036 – Surface Mining Exemptions**

Dear Chair Clem and Committee Members:

We oppose the surface mining permit exemption under ORS 517.750(15)(b)(G) -

“Excavation or grading operations necessary for construction and maintenance of utilities, drainage facilities and irrigation facilities, where excavated material is used on site and is not sold into the commercial market as aggregate material.”

For example:

In 2016 Tumalo Irrigation District (TID) was cited for “surface mining” without a permit and sanctioned by Deschutes County against such activity in the future. Surface mined dirt from the bed of Tumalo Reservoir was removed from the site in trucks to use as fill dirt for its irrigation canal-piping project. Once the dirt is taken away from site there is no way of monitoring exactly how and where it is used.

This resulted in environmental damage and caused safety issues with heavy trucks accessing the site. Importantly, the trucks passed through the Deer Winter range, an area in Tumalo that, for the past 40 years, has been closed to motor vehicles during the winter months (when the code violation took place). This traffic caused significant disturbance during a critical and stressful time for mule deer.

We ask you either remove the amendment from the bill to prevent unregulated surface mining by irrigation districts in Oregon.

or further specify and clarify ORS 517.750(15)(b)(G) as follows:

**(G) Excavation or grading operations necessary for construction and maintenance of utilities, drainage facilities and irrigation facilities, where the excavated material is:**

- **a) used on site (not transported on public roads or to another lot of record)**
- **b) not sold into the commercial market as aggregate material**
- **c) not in violation of deed, county ordinance or zoning restrictions**

**A permit shall be required where the conditions specified above are not met.**

Sincerely

friends of the Tumalo Wildlife Corridor (fTWC)