



COUNTY COURT

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July 27, 2016

William Matthews
Oregon Department of Agriculture
Confined Animal Feeding Operation Program
635 Capitol Street NE
Salem, Oregon 97301-2532

Dear Mr. Matthews,

The Morrow County Court appreciates the opportunity to comment on the Confined Animal Feeding Operation (CAFO) permit that is under consideration by the Oregon Department of Agriculture (ODA) for the Lost Valley Ranch in Morrow County, Oregon. Many of the concerns expressed last year by Planning Director Carla McLane in her August 18, 2015 letter attached to the Land Use Compatibility Statement continue to trouble the County Court. Those concerns are repeated here, as well as, other items that we would ask the ODA to require and monitor at this location and in the affected area.

Compliance with all Applicable Local Land Use Requirements: As stated before, if the only activity being evaluated is the use (a dairy) within the Exclusive Use Zone (EFU) then yes, the proposal is in compliance. Necessary land use approvals have been obtained. The ongoing concern is the applicant's apparent disregard for the CAFO permit process as construction has been initiated and substantial progress has been made, prior to issuance of the CAFO permit. The County Court is concerned that this development is being done outside of ODA and other state agency requirements. Does that mean the applicant and operator will continue to disregard the requirements?

Development of a Dairy in the Lower Umatilla Basin Groundwater Management Area: The use (dairy) is proposed in the Lower Umatilla Basin Groundwater Management Area, or LUB GWMA, an area designated for high levels of nitrogen in the groundwater. The original designation happened in the mid-1990s and a local Citizen's Advisory Committee has been working on implementing the first Action Plan and is currently drafting the second Action Plan. The location of the dairy structures, including the holding pens and milking barn, are within the LUB GWMA and with the addition of 30,000 cows has the ability to significantly contribute to the nitrogen loading of the LUB GWMA.

The fact that there are already two dairies and a beef CAFO within a three or four mile radius, with some significantly closer, only increases the concerns about the development of another, much larger dairy within the LUB GWMA.

Development of a Dairy in the Ordinance Basalt, Ordinance Gravel and Buttercreek Critical Groundwater Area: The entire area of the proposed dairy is within one or more Critical Groundwater Areas (CGWAs), designations by the Oregon Water Resources Department for areas with declining groundwater. Many of these designations are decades old and have impacted not only junior water right holders, but also senior water right holders, limiting, and in some cases, completely restricting use of groundwater for agricultural purposes. Umatilla County, the now disbanded Umatilla Basin Water Commission, and others have worked diligently to find new water sources and to replenish depleted and reduced groundwater aquifers. There is

significant concern that this activity, including the exempt stock water provision, will do further harm to groundwater, negatively impacting other farming and ranching activities using this limited water supply.

The County Court would like assurances that not only senior, but also junior, water right holders will not be harmed by this operation, including the exempt stock water provisions. Inherent in this concern, is impact to adjoining and nearby farming operations, their water supply and the ability to maintain farming in Morrow County. Agricultural production is the life blood of Morrow County and it cannot be harmed. The County Court respectfully asks that the ODA, through issuance of this permit, not harm water reserves, increase groundwater contamination, or negatively impact agricultural production by issuing this permit.

Impact to Adjacent Canal Operations: On occasion, holding ponds and lagoons have been known to fail and cause harm to adjacent land uses and impact water quality. The Columbia Improvement District canal is immediately to the north of the dairy facility and could be negatively impacted should the holding ponds and lagoons fail. The County Court would like assurances that the holding ponds and lagoons are built to an adequate standard, that failure would not be likely, that a maintenance and replacement program be required to assure stability of the installation now and into the future, and a bond or other mechanism be required that would protect other Columbia Improvement District members should a failure occur that impacts the canal.

Fugitive Dust and Other Construction and Operation Impacts: Morrow County has concerns that fugitive dust could impact adjacent farming operations and would like to see conditions and requirements in any permits issued that would regulate those impacts. Adjacent farming operations should not be limited in their crops or growing cycle based upon a dairy operation.

Animal Treatment and Mistreatment: The Morrow County Sheriff has raised concerns that the Morrow County Court shares, concerning the potential for animal mistreatment and has requested assurance that access to the property to investigate claims of neglect or mistreatment is available. The County Court would like to request that any permit issued be conditioned to allow and facilitate local government access to the operation to investigate any claims of concern and to assure that operations and facilities meet local requirements now and into the future.

Conclusions and Recommendations: Morrow County thanks ODA for holding a public hearing so that these concerns and others can be fully discussed and disclosed prior to the issuance of any permits. The County Court also thanks ODA, based on the proposed location of this facility within both the LUB GWMA and several CGWAs, for requiring an Individual Permit in lieu of participation in the General Permit.

Thank you for accepting this comment as part of the Oregon Department of Agriculture CAFO permitting process.

Cordially,


Terry K. Tallman
Judge

Leann Rea
Commissioner


Don Russell
Commissioner