

**GOVERNING BOARD MEETING MINUTES
OREGON DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES**

Friday, September 17, 2021

8:30 a.m.

Virtual Public Meeting

1) Call to Order: (Laura Maffei, Board Chair)

Chair Laura Maffei called the meeting to order at 8:32 a.m.

2) Introductions: (Laura Maffei, Board Chair and Staff)

Chair Laura Maffei, Vice-Chair Katie Jeremiah, and Board Members Scott Ashford, and Diane Teeman and Linda Kozlowski were all in attendance via Zoom video/phone.

Department of Geology and Mineral Industries (DOGAMI) Staff in attendance:

Sarah Lewis, Interim Director/State Geologist and MLRR Program Manager

Lori Calarruda, Executive Assistant/Recording Secretary

Steve Dahlberg, Chief Financial Officer (CFO)

Bob Houston, GS&S Program Manager/Legislative Coordinator

Vaughn Balzer, Floodplain Reclamationist/Rules Coordinator

Laura Gabel, Coastal Field Geologist/KPM Coordinator

Cari Buchner, Mining Compliance Specialist

Emil Petcov, Fiscal Analyst 3

Others in attendance:

Diane Lloyd, Department of Justice (DOJ)

Amira Streeter, Policy Advisor Governor's Office

Christina Appleby, DOGAMI Staff on personal time and as DOGAMI's SEIU Sub-Local President

Ruarri Day-Stirrat, Geologist

Anna Sovereign, House Republican Office

Recruitment Update:

Chair Maffei said she spoke to John Paschal, the Executive Recruiter, and there is a revised draft of the Recruitment Plan that will be reviewed and sent out to the Board members, so they are aware of the upcoming dates. The recruitment has closed and there are multiple candidates. Maffei said Paschal will review the candidates to determine those who do not meet the required minimum qualifications. As part of the review panel, the Board will receive resumes and cover letters of the remaining candidates to individually score them on paper, which will not be part of a meeting. That information will be compiled by DAS to help decide who will be in the first round of interviews.

1) 3) Review Minutes of June 25, 2021 and August 19, 2021 Board Meetings:

2) Chair Maffei asked if there were any changes to the minutes as presented. No changes.

3)

4 Board Action: **Jeremiah moved to approve the minutes of June 25, 2021 and August 19, 2021 as**
5 **submitted. Kozlowski seconded. Motion carried.**

6
7 **4) Rule Writing:**

8 Vaughn Balzer, Rules Coordinator, discussed HB2202: Aggregate Mining on High Value Farmland in
9 the Willamette Valley.

10
11 Balzer said the DOGAMI Governing Board approved the draft text of the new rule and rule
12 amendments for implementing House Bill (HB) 2202 (2013) during the December 4, 2020, Board
13 Meeting. DOGAMI – MLRR completed the required Public Notice on May 24, 2021, and Legislative
14 Notice on June 15, 2021. No public or legislative comments were submitted on the proposed new
15 rule and rule amendments. The text of the new rule and rule amendments has not changed since
16 being approved by the Board on December 4, 2020. The final Board approval date must be after the
17 completion of the Public and Legislative notice. DOGAMI requests final Board approval to adopt the
18 new rule and rule amendments with a proposed effective date of October 1, 2021.

19
20 Chair Maffei clarified with Balzer that this is a rule the Board previously reviewed and approved, and
21 this is the final approval since no comments were received. Balzer stated that is correct.

22
23 Jeremiah asked if this was approving the public notice of the rule. Balzer explained the public notice
24 process has been completed and no public comments were received. There are no changes to the
25 rule text or rule amendment text that was approved during the December 4, 2020 Board meeting.

26
27 Board Action: **Kozlowski moved to approve the new rule and rule amendments related to**
28 **Aggregate Mining on High Value Farmland in the Willamette Valley. Teeman seconded. Motion**
29 **carried.**

30
31 **5) Financial Report:**

32 Steve Dahlberg, Chief Financial Officer, presented the DOGAMI FY2021 Budget Status Report, as of
33 June 30, 2021, for the Geological Survey and Services (GS&S) and Mineral Land Regulation &
34 Reclamation (MLRR) programs.

35
36 Dahlberg said the update is the end of biennium results and the Agency is underbudget in all funds.
37 For clarity, this is the closing of the biennium, normal June 2021, and Period 13. He explained Period
38 13 is the accounting period where accruals of revenues and expenses go for the services of the prior
39 year, but after the normal June closes. The official closing of the biennium is in December 2021, but
40 he does not expect there to be any changes to the numbers. Dahlberg stated the Agency made it
41 through the biennium in good standing and with an approved budget for the 2021-2023 biennium.

42
43 The Agency made many strategic purchases to use some of the available General Fund budget at the
44 end of the biennium. These purchases included replacing two servers, many aging laptops and
45 workstations, Organizational Management consultants, signing up staff for training, and other
46 scientific and safety equipment. DOGAMI was successful in buying everything on its list except for
47 two items. Due to COVID related shortages and delays in manufacturing, the ARGO (8-wheeled
48 amphibious vehicle) and its trailer were not delivered until recently and will be an FY22 General Fund
49 expense. While this was not the plan for 2021-23, these expenses will be incorporated into the new

50 projections. DOGAMI is now engaging DAS Surplus for disposal of the old ARGO and trailer, which
51 both are about 15 years old.

52
53 The General Fund ending balance of \$542,720 is due to vacancy savings, better indirect recovery than
54 anticipated, ordering items that have been on hold, and COVID reimbursements. In addition to the
55 \$300,000 already reverted from vacancy savings, this brings the total the Agency will be reverting
56 back to \$843,000 in General Fund. The unused balance does not roll over to the next biennium and
57 the Agency will start over with a new budget.

58
59 The Other Funds ending balance is \$330,642, which is close to the projected balance from the last
60 Board meeting. Dahlberg said, each month the Business Office sends out invoices and follows up
61 with funders as necessary.

62
63 The Federal Funds ending balance is negative (-) \$7,607. The negative balance is due to a timing
64 difference between expenses generated and revenue collected, but will catch up soon. Dahlberg
65 explained that DOGAMI staff charge their time to a specific federal grant, then the Business Office
66 submits the invoice, called a "draw" for reimbursement of these expenses the following month. A
67 small change has been made to the lidar program and staff are doing inhouse hydro flattening work,
68 but these charges are unable to be collected until the work is completed. There is no projection for
69 Federal Funds due to it being the end of the biennium. The next financial update will include the
70 projections since it is the start of the new biennium.

71
72 Ashford asked if it is more cost effective to reduce the lidar data inhouse instead of using the vendor.
73 Dahlberg said there is potential it is more cost effective. He explained when budgeting, the rate and
74 expected cost of the vendor are being used, but the work is done in house, which allows more hours
75 for staff to do work. The funder will not be charged more than what the Agency committed to, and
76 he expects they will actually be charged less than they would have been, by doing the work inhouse.
77 Ashford said he understands if staff need work, but he wants to keep an eye on it to ensure overall it
78 holistically makes sense for the Agency and does not go over costs by doing the work inhouse. He
79 would like to have a report back on how the inhouse compares to the vendor. Dahlberg will provide
80 a recap at the end of the project.

81
82 The MLRR biennium ending balance is \$454,167, due to the fee increase, careful spending, and
83 COVID reimbursements of ~\$75,000. The goal of the fee increase is to have a 6-month operating
84 reserve built up by the beginning of the 2025-2027 biennium.

85
86 Dahlberg stated for the next biennium there are three lidar projects being fully developed for the
87 BLM (Klamath), USGS (3DEP in Baker County) and USGS (3DEP in Coos County), but the total amounts
88 are not yet determined. The 10-day letters will be submitted by October 18, 2021 with the
89 expectation of it being scheduled for Legislative approval on November 15, 2021. The most recent
90 request for Legislative approval to submit a federal grant is the annual STATEMAP grant, which has
91 been awarded to DOGAMI since the program's inception in 1992. This grant is for \$360,000, it has a
92 50/50 match, and is incorporated in the new biennium budget.

93
94 The Strong Motion Instrument Fund (SMIF) ending balance is \$260,376. Dahlberg said the Agency is
95 expecting to complete Work Order #4 with the University of Oregon for \$200,000 to purchase 24
96 seismic instruments at 18 different locations. The MLRR Reclamation Guarantee Fund ending
97 balance is \$669,943 with 58 Cash Securities.

98

99 Dahlberg said the Business Office has its routines working well with revenue invoicing and
100 collections, paying Agency bills, grant reporting both internally and externally, and regular business
101 processes. He has been working with DAS to finish the year-end closing process including year-end
102 accruals and reporting, and they will work together on the new biennium's reporting and forecasting.
103 DOGAMI's projection for the 2021-2023 biennium will be presented at the next Board meeting.
104

105 The Business Office has identified the need to review and document its current processes, which will
106 include reviewing and updating existing policies over the next year. New tools are being developing
107 to aid in the Agency's forecasting process to continue better monitoring and projecting General Fund
108 expenses for the current biennium. Dahlberg introduced Emil Petcov, who was hired for the Fiscal
109 Analyst 3 position and started on September 8, 2021.
110

111 Chair Maffei asked about the total amount of General Fund the Agency underspent. Dahlberg said it
112 was a little over \$840,000 and clarified that DOGAMI had agreed with DAS CFO and LFO that the
113 vacancy savings of \$300,000 would be reduced from the budget. With that revision, the Agency
114 finished \$540,000 underbudget, but total amount reverted back is about \$840,000. Maffei asked
115 what the Agency needs to do going forward to not leave that much money on the table, besides the
116 capital expenditures. Lewis said part of the work over the last couple years has been to develop tools
117 to put in place to very carefully monitor and track the budget. The other factor to consider is the
118 Agency is unlikely to be in a situation similar to the last two years where the Agency received two
119 single year budgets. The first-year budget took the 2-year budget and split it in half and there were
120 many expenses that are actually biennial expenses that occur in the first year. The Agency ended up
121 close to that number mid-year and then had an increase with the second-year budget. So, in order to
122 stay careful during the first year, the Agency underspent in a way that it may not have to in the
123 future with the new tools and projections for the next biennium. The Agency is not in the same
124 situation this time.
125

126 Ashford said he wished the Agency was able to spend and not leave the money on the table, but
127 between the two single year budgets and delays he is comfortable with where the numbers and
128 Agency ended up, stating the university has had some unexpected carry forwards because of the
129 pandemic as well. He thinks the leadership will take this into account next year. Dahlberg said his
130 active role in the Agency's projections will not stop and going forward there will be continued
131 monitoring and sharing of information with management. He stated there were also several large
132 lidar projects that contributed to the better than anticipated indirects. If there is surplus in the
133 future, DOGAMI will make the best use of it for the benefit of the Agency and citizens of this state.
134

135 Chair Maffei said she did not suggest the Agency just wildly spend money, but the Agency should use
136 the resources it is given effectively to get the best product it can.
137

138 Jeremiah gave kudos to the Agency for the work they did digging in, finding tools, setting the
139 processes, and executing in a way that the Agency is able to report back to the legislature. This is a
140 much easier conversation to have with them, rather than asking for money. She wanted to give
141 credit where credit is due.
142

143 Chair Maffei agreed, the last couple of years have not been easy and this is a much more pleasant
144 conversation to have than in the past. She thanked Dahlberg and the rest of the Management Team
145 for their efforts.

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Board Action: Teeman moved to accept the Budget Status Report as presented.
Kozlowski/Jeremiah seconded. Motion carried.

6) Key Performance Measures (KPMs) Annual Data Report:

Laura Gabel, Coastal Field Geologist and KPM Coordinator, and Bob Houston, GS&S Program Manager, reviewed completed Key Performance Measures (KPMs) 1) Hazard and Risk Assessment Completion, 2) Detailed Geologic Map Completion, 3) Lidar Data Completion, 4) Percent of Permitted Mine Sites Inspected Biennially, 5) Customer Services, and 6) Governance. The Key Performance Measures (KPMs) show how the Agency has performed and will be submitted by DOGAMI to the Legislature. The reporting period is for FY21, which is July 1, 2020 to June 30, 2021.

KPM 1 – Hazards and Risk Assessment Completion:

Percent of population residing in Oregon Urban Growth Boundary Areas (UGBs) that have completed geologic hazard and risk assessments that are suitable to initiate Department of Land Conservation and Development goal 7 planning for earthquake, landslide, tsunami, coastal erosion, volcanic or flooding hazards.

The completion of hazard and risk assessments are dependent on funding from local, state, and federal resources. It started with a 42% baseline in 2018 and the goal for the KPM is to complete 100% in 10 years.

As of June 30, 2021, 57% of UGBs have full Hazard and Risk assessments. DOGAMI’s hazard program has obtained 100% of the 2021 target, which was 57%.

Gabel reviewed the attached map to the Board. She explained the map shows all UGBs and their percent completion of hazard and risk studies. The color and size of each dot represents the % completion, with the small black dots representing communities with no studies completed and the largest green dots representing communities with all hazard studies completed. Red, orange, and yellow then represent communities with some but not all studies completed

KPM 2 – Detailed Geologic Map Completion:

Percent of Oregon where geologic data in the form of high-resolution maps have been completed to be used for local problem solving.

Geologic mapping projects are dependent on funding from local, state, and federal resources.

As of June 30, 2021, 62.7% of Oregon’s nominal inhabited areas have high resolution geologic map coverage. DOGAMI’s Geologic Mapping program has obtained 96% of the 2021 target, which was 65%.

Gabel reviewed the attached map to the Board. She explained the map shows Oregon’s nominal inhabited areas as the tan polygons. The publication of high-resolution geologic maps is shown by orange boxes representing quads published in FY21, purple and red boxes representing previous projects. Note that there is also a lot of mapping outside of the population centers, which is critical for the understanding of geologic resources and hazards as their reach extends well beyond city limits.

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KPM 3 – Lidar Data Completion:

The percent of Oregon with lidar data at USGS quality of Level 2 or better (density and accuracy). The higher standards are lower numbers.

Obtaining lidar data is dependent on funding through local, state, and federal resources. As of June 30, 2021, 56.1% of Oregon now has lidar data at USGS quality level 2 or better. The lidar program has obtained 104% of the 2021 target, which was 54%.

Gabel reviewed the attached map to the Board. She explained the map shows areas of the state with lidar coverage. Orange areas represent projects acquired during FY21, and green areas represent previous collection areas. The combined orange and green areas represent the cumulative state coverage of 56.1%.

KPM 4 – Percent of Mine Sites Inspected Biennially:

The percent of permitted mine sites inspected biennially.

The target for this KMP is inspecting 100% of permitted mine sites in the biennium. In total, for the 2019-2021 biennium, the agency has inspected 15% of the total number of permitted mine sites.

Gabel reviewed the attached map to the Board. She explained the map shows the distribution and frequency of mine site inspections conducted between July 1, 2019 to June 30, 2021. The majority of sites are inspected once, as represented by the dark blue dots. Other colors represent sites inspected more than once and the black dots represent mines not inspected during this biennium. Additionally, each county is shaded based on the percentage of completeness of mines inspected in that particular county. Most counties are orange, meaning at least one but not more than 25% of the mines have been inspected.

KPM 5 – Customer Service:

Percentage of customers rating their satisfaction with the agency’s customer service as “good” or “excellent”: helpfulness, overall customer service, accuracy, expertise, availability of information, and timeliness.

There are two different customer surveys – overall DOGAMI and MLRR specific. In total 151 customer surveys were submitted in FY21, which is down about 50 from 2020. The target goal of the KPM is 95% of responses as good or excellent for each category.

- Helpfulness: 85.4% (90% of the target goal)
- Overall: 88.6% (93% of the target goal)
- Accuracy: 89.3% (94% of the target goal)
- Expertise: 86.6% (91% of the target goal)
- Availability of Information: 84.7% (89% of the target goal)
- Timeliness: 83.3% (88% of the target goal)

KPM 6 – Governance:

238 For Governance, on an annual basis the Board reviews and responds affirmatively or negatively to the
239 best practice criteria. The time period covered is for July 1, 2020 to June 30, 2021, and the answers
240 will be submitted to the Legislature through the formal process.

241
242 Chair Maffei, wanted to verify which ones were being approved. Houston clarified that the Board will
243 be asked to answer the 15 required questions for KPM 6, and all KPMs need to be reviewed and
244 approved. The submittal of the entire report is due October 1, 2021.

245
246 Chair Maffei had a discussion on Item 2 regarding the Director’s annual performance feedback. A
247 formal official annual performance was not completed due to the issues with the Agency possibly
248 being dissolved, but feedback was provided to Director Avy throughout the period.

249
250 Chair Maffei said her only concern is increasing the number of mine sites being inspected. She stated
251 there has been resource issues and 2020 was a hard year due to COVID. She believes this needs to
252 be revisited in the future.

253
254 Kozlowski said the report was very well organized and easy to follow. She is impressed with the lidar
255 coverage for the state. Gabel said the credit goes to staff members Jake Edwards, Rob Hairston-
256 Porter, and Bob Houston for making it happen.

257
258 Board Action: **Kozlowski moved to approve the 2021 Annual Performance Progress Report as**
259 **presented. Ashford seconded. Motion carried.**

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261 **7) MLRR Update:**

262 Sarah Lewis, Interim Director and MLRR Program Manager, provided an update on MLRR.

263
264 Please note, included in this packet is the ENGAGE Summer 2021 Edition newsletter that is also
265 available online: <https://www.oregongeology.org/mlrr/engage.htm>

266
267 **Permit Status Summary**

268 Lewis stated general activity and permit numbers are stable, with the exception of a notable increase
269 in exploration activity. Typically, there are about 14 active exploration permits, but there have been
270 9 new exploration applications over the last 6 months. This is a significant increase causing an
271 additional workload for ReNeea Lofton, the Program’s Permit Coordinator, and Bob Brinkmann, the
272 Technical Lead for Exploration. The processing of an exploration application is not as complex or
273 lengthy as the Operating Permit, and most of these have already gone to the other partner agencies
274 for review. Lewis commended Lofton and Brinkmann on their teamwork. Anecdotal information
275 suggests that these are advance planning for operating permit applications for aggregate, non-
276 aggregate and chemical process mining, as commodity prices remain strong. There is indication that
277 the progress of the Grassy Mountain chemical process mining permit application is having an
278 influence on exploration activity in the state.

279
280 Lewis stated the number of active applications for surface mining has leveled off and the average
281 processing time for an aggregate application is almost 9 months, which has increased from earlier in
282 the year due to the upsurge in submissions. Permit applications are processed in the order they are
283 received and moved forward as applicants respond to deficiencies. Staff continue to communicate
284 this proactively to applicants and existing permittees. Staff are moving through them as quickly as

285 possible, and she hopes to have the overall number of active applications reduced over the next 6-12
286 months.

287
288 Lewis reviewed the newsletter with the Board to show the Program has been providing updates to
289 permittees regarding the increase in application timelines. The focus of the Fall 2021 issue is
290 DOGAMI requirements for the exploration permits, in response to the recent influx of applications.
291 Staff have developed additional FAQ's and guidance to answer the questions they most commonly
292 receive. She said this is an example of how the ENGAGE newsletters have become a foundation of
293 MLRR's outreach to the regulated community and the public. The newsletters are posted to the
294 website, archived and available to the public.

295
296 Chair Maffei asked how frequently the newsletter are being produced. Lewis said they are being
297 done quarterly/seasonally and there have also been two or three special edition newsletters on
298 specific topics such as Civil Penalties, and they can be produced any time in response to a need to
299 share information.

300
301 Compliance Update

302 Lewis introduced Cari Buchner, Mining Compliance Specialist, to discuss the compliance portion of
303 the update.

304
305 Buchner reviewed the map that showed the compliance activity across the state and the summary
306 table. They do not reflect significant change since the last update. She said there was a small
307 increase in total active compliance actions over the last quarter, but it does not include the number
308 of actions resolved, or the fluctuation in the pool. The Program has resolved 30 actions since January
309 1, 2021 and it initiated 45.

310
311 Buchner said the Civil Penalty Fact Pattern for non-payment of renewal fees has been added to the
312 MLRR update. As the delegated authority for the Governing Board, the State Geologist approved
313 four Civil Penalties for nonpayment this quarter. These are in line with the previous approvals by the
314 Governing Board.

315
316 Buchner provided an update on the Mining Without a Permit (MWOP) cases. The Program's first
317 MWOP case, that is currently in progress, is Morgan Creek. In early July the respondents hired
318 consultants to conduct necessary analyses and draft reports and reclamation plans. MLRR
319 anticipates meeting soon to review the plans with the consultants. Counsel is working on drafting
320 final settlement agreement language. In the meantime, both parties have agreed to go forward with
321 evaluating technical plans.

322
323 Chair Maffei asked to be reminded of the case for clarification purposes. Buchner stated Morgan
324 Creek is in Douglas County and is the case that has been assessed a Civil Penalty that was requested
325 to go to contested case. It has been in progress for over a year.

326
327 Buchner provided an update on the two cases that have received preliminary approval from the
328 Board for pursuing Civil Penalties, Ekroth Quarry in Tillamook County and Blossom Gulch in Coos
329 County.

330

331 At the Ekroth quarry, the agencies are expecting a revised set of plans in the next few weeks. The
332 site remains compliant with the Suspension Order. The permittees consultant is coordinating with
333 the agencies involved to gather the details necessary to meet each agency's requirements. She said
334 at the last Board meeting it was mentioned this one will likely come back to the December meeting
335 with a penalty amount, but it will depend on how things play out between now and then.

336
337 Chair Maffei asked what other agencies are involved in this action. Buchner said this one involves
338 Oregon Department of Forestry (ODF) and the Department of State Lands (DSL). Maffei asked if it
339 was the mining operation that encroached on state-owned lands. Buchner answered yes.

340
341 Buchner said the Blossom Gulch site in Coos County was introduced at the last Board meeting,
342 because it was quickly escalating to a 7 on the continuum of Mining Without a Permit. This was a
343 situation where some mining activity was impacting the Blossom Gulch stream which is essential
344 Salmonidae habitat. Since that time, the operator has been in compliance with the Suspension
345 Order, and have established communications with the Department regarding their application
346 submissions. At this point the urgency has decreased in pursuing the penalty amount and pushing
347 forward because they are showing signs of being willing to come into compliance.

348
349 Chair Maffei said it would be helpful in the next meetings to have maps, slides, and photos available
350 during the update. Buchner welcomed the suggestion and will include them next time.

351 Grassy Mountain Project Update

352 Lewis said the applicant submitted a revised Groundwater Baseline Data Report to DOGAMI for the
353 Grassy Mountain Project, on September 1, 2021. It will be delivered to the Technical Review Team
354 Water Resources subcommittee for their review. This is the second submission in response to the
355 State's request for additional information in February 2020. Their first submission was a revised
356 Wildlife Baseline Data Report, which was approved in February 2021. There is no statutory deadline
357 for this phase of view, but Karl Wozniak, DOGAMI's Chemical Process Mining Coordinator, has been
358 proactively working with the partner agencies to facilitate a timely review and response to the
359 applicant. Lewis said the applicant has confirmed that a revised Geochemistry Baseline Data Report
360 will be submitted next, followed by a revised full application sometime this fall.

361
362 Kozlowski asked how the relationship is with Calico and if it continues to be as effective as it has been
363 previously reported. Lewis said yes, the Calico project manager retired in April and there are
364 contractors managing the project now who are working Karl, and she meets monthly with the CFO
365 and President of the company to review any higher-level concerns and to make sure the billing
366 invoicing and communication are on track. The next quarterly meeting is next Thursday, it will
367 include DOGAMI's CFO, Steve Dahlberg, and a review of the budgeting process.

368
369 Kozlowski asked Lewis with her dual role, how is MLRR being managed and how stressful is it for her.
370 Lewis said she is privileged to have the staff she has and to have built the teamwork and coordination
371 among them over the last 3 years. They are able to support her and the Agency in taking on this role.
372 She did have a conversation with them about what the indicators might be if they need to think
373 about additional help, by appointing an interim manager or delegating certain responsibilities. But
374 two weeks in, she is comfortably delegating things she can to the staff who are really the technical
375 experts on these things. She stated so far so good.

376

377 Kozlowski asked if the KPM for mining will be discussed. Lewis said she did not have anything
378 formally prepared, but she would answer any questions they had.

379
380 Chair Maffei said the goal is to inspect 50% of the sites the first year and complete 100% by the end
381 of the biennium. She asked Lewis what the chances are of this realistically being done. Lewis said
382 under current staffing it is not realistic.

383
384 Ashford asked if that is what the Program should be doing and said he is not sure it should. Maffei
385 said she was not sure if there is legal obligation to inspect every mine site, whether it is in the permits
386 or in state regulations the Agency has to conduct inspections (is a statute requirement for these
387 inspections). If it is, there is a different problem. She said Ashford posed the question correctly,
388 which is should the Program be inspecting every single mine site, or does it just respond to reports
389 of concerns, which she believes is happening now.

390
391 Lewis said statutorily there is a requirement to inspect sites around certain permit actions, such as
392 new permits issued, and they are also doing site visits for amendments, transfers and responding to
393 complaints. She said the goal should be to inspect sites as often as needed to maintain compliance.
394 Putting a timing on that is site dependent in some ways. She believes DEQ permits are inspected
395 once during the life of the permit, and those permit cycles are 5-10 years for their stormwater water
396 quality permit, which DOGAMI administers. For the mines and the permits DOGAMI issues, it can
397 vary in length of time from 2-5 years to tens of years. There are other techniques that might be used,
398 such as satellite imagery to do spot checks for mining outside of boundaries, but it is still staff
399 dependent, because it takes time to review the images and then follow up for compliance reasons.

400
401 Chair Maffei said she would like at the next Board meeting, during the MLRR update, to have options
402 presented to the Board to modify/adjust the KPM that is actually achievable. Ashford said instead of
403 coming up with an achievable goal, change it to a goal that makes sense for the State. How often
404 should the Program be inspecting sites to ensure they are in compliance, and utilizing the satellite
405 imagery, as an example, as a great opportunity to save labor and cover more sites. If compliance
406 issues are found, they should be inspected.

407
408 Kozlowski agreed with Ashford, and believes Lewis would have the criteria that would be more
409 effective to use in terms of what Ashford suggested. She suggested having Lewis come back to the
410 Board with those ideas to review. Maffei said it needs to be a metric that can be measured and not
411 just a narrative, which is the point of the KPMs. Maffei asked Lewis to delegate it and bring it back to
412 the next Board meeting, so the Board can discuss how to achieve the right goal for the State.

413
414 Kozlowski asked if there is something that precludes the use of drones. Lewis said, yes, they have to
415 have permission to fly a drone over a site. As far as an inspection, the drones would be a good tool,
416 but they would not replace on the ground inspections. A lengthy discussion took place the use of
417 drones and satellite imagery. Lewis will work toward providing a presentation to the Board on
418 alternate KPMs to measure the MLRR program performance and meet State targets and guidelines.
419 She asked to extend the timeline to do the presentation to the Board since the KPMs are part of the
420 budgetary cycle. Maffei said that is fine, but she does not want to miss the opportunity. Ashford
421 asked Lewis, as part of the effort, to provide the best practice of screening, when to visit a site, and
422 what tools are available to the staff. He said this information might be helpful to the Board.

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424 Briefing: **No Board Action Required.**

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8) GS&S Update:

Bob Houston, GS&S Program Manager and Legislative Coordinator, provided an update on the GS&S program.

Since June’s update the Program has released six new publications: Geology of the North Half of the Lower Crooked River Basin, Crook, Deschutes, Jefferson, and Wheeler Counties; Natural hazard risk reports for Coos County, Hood River County, Sherman County, and Wasco County; and Tsunami Inundation Modeling Update for the Northern Oregon Coast: Tillamook and Clatsop Counties. The Department has published 12 publications so far this year and with the anticipated upcoming publications, expects to surpass the previous 5-year average of 14 publications per year.

The Agency has submitted a 10-day letter to the legislature for authorization during the September Legislative Days to apply for the USGS STATEMAP program federal grant. The proposed grant would provide continued funding for a geologic mapping project in the Milton-Freewater and Athena region of Umatilla County in northeastern Oregon. This data is needed to model subsurface geologic conditions that control the distribution and movement of groundwater. This potential opportunity supports DOGAMI’s mission and goals to provide earth science information to make Oregon safe and prosperous.

Staff remain focused working on existing projects, closing others out, developing new projects, and exploring new options. There are currently 30 active grants. Houston said he sees possible/potential grant opportunities in the following areas: post wildfire landslide and debris flows; developing an “Oregon specific” probabilistic tsunami inundation model analysis; channel migration and flood zone analysis; geologic mapping for determine groundwater resources in and area; county level multi-hazard risk assessments; and lidar data collection projects.

As the Agency progresses through the biennium, some of these opportunities may become available, provided that the limitations on the grant does not impact its ability to end the biennium with a reasonable underbudget General Fund cushion. DOGAMI is working with commitment and a sense of urgency toward maintaining a financially stable and healthy organization that provides outstanding and critical earth science information and regulation. Staff have been working with a sense of commitment and urgency to maintain financial stability on grants. There has been constant communication with project managers, the Business Office, and Program Manager to stay on track with respect to the deliverable timeframe to ensure the Agency is coming in on time and underbudget. Chair Maffei stated grant monitoring is not on autopilot and requires daily conversations to ensure the Agency is staying on budget and not exceeding General Fund.

Ashford asked how the Oregon specific tsunami modeling is compared to the nationally adopted modeling. Houston said the HB 2605 accepted the ASCE Model, which is a global average of subduction zone type inundation and earthquakes, but Oregon is an outlier with respect to all subduction zones around the world. Ashford said to keep in mind that global models do averaging, but in the design process there are several steps taking into account how the previous steps were developed. The Oregon specific model might be more accurate for Oregon, but it will not fit into the design process very well. If the Agency does do something, it needs to be done in a holistic manner and look at the whole process and how it fits in, so there is not a mismatch between what it does and what the ultimate goal of the design process is. Houston agreed and said that before the Agency

472 submits an application to work on an Oregon specific probabilistic model, it would need to do a lot of
473 vetting with the various stakeholders and the scientific community, including ASCE engineers that
474 would ultimately be reviewing that consideration.

475
476 Kozlowski said they do want accurate information for local coastal communities, it is critical for
477 evacuations which it may not necessarily fit into the global/international community. Kozlowski then
478 asked where the Agency is in mapping the post wildfire areas. Houston said the Agency is pursuing
479 post wildfire landslide and debris flow investigations in its current FEMA CTP grant proposals, and
480 other opportunities that become available. He sees this as a key role DOGAMI can play in building
481 resiliency to post fire hazards. There will be a field trip in this area for LFO, DAS CFO, and DAS ETS to
482 talk about the products that DOGAMI produces and the work that is involved in completing a project.
483 He wanted to make clear that the tsunami inundation deterministic models are appropriate for the
484 tsunami evacuation modeling. The probabilistic modeling would be used for construction in the
485 tsunami zone, by identifying what the flood height and velocities would be, not for evacuation
486 purposes. Kozlowski said DOGAMI has done a great job on the Beat the Wave, which has been an
487 important addition to evacuation modeling and great tool for coastal communities and they really
488 appreciate it.

489
490 Briefing: **No Board Action Required.**

491
492 **9) Director's Report:**

493 Interim Director Lewis stated this is her first update to the Board and wanted to review the focus
494 areas for the Leadership Team during this transitional period between permanent Directors. She
495 really sees their job as carrying the Agency safely afloat to the next Director. They do not intend to
496 make any abrupt moves or sudden turns.

497
498 Lewis said the first focus is to monitor the budget closely. The Business Office staff are continuing to
499 refine the tools used to share data with project managers and develop new tools to assist leadership
500 in informed decision making for General Fund expenditures, which includes closely working with the
501 DAS analyst to develop projections for the 21-23 biennium. Leadership is continuing to meet with
502 DAS CFO and LFO analysts, and the Governor's Office Policy Advisor.

503
504 The next focus is to meet key legislative deadlines and requirements. The Agency is scheduled to
505 participate in hearings during legislative days next week to request approval for new grant
506 applications. The Agency is on track to deliver a response to the budget note from the legislature
507 directing DOGAMI to explore the feasibility of working with DEQ's online permitting system for
508 MLRR's ePermitting needs. DOGAMI's contractor worked with MLRR staff to develop process maps
509 and business requirements for key permitting workflows that were turned over to DEQ last week.
510 The response to the budget note will include a cost estimate from DEQ's vendor and a proposed
511 project timeline. This is not an approval to move forward with this, it is simple a response to a
512 request for information. It does not mean the Agency is agreeing to anything, it would still need to
513 develop a funding mechanism and make sure the proposed timeline worked for both agencies, or
514 explore other options needed. Chair Maffei said this is just a step along the way. Lewis said the KPM
515 reporting completed today will allow the agency to meet the legislative deadline.

516
517 The third focus is for the Agency to implement necessary state enterprise initiatives that include
518 enterprise-wide IT projects, such as a migration of Agency email addresses in mid-October, and some

519 short-term planning with respect to continued remote work and office reopening. Originally state
520 offices were supposed to open September 1st, but due to the resurgence of the delta variant, offices
521 remain closed to the public for the next few months, and most staff are working remotely.
522 Leadership has been directed by the State to develop those plans for reopening when that occurs,
523 which at this point is likely a few months off. The Leadership Team has been working to ensure it is
524 considering all the factors about what remote work and office reopening will look like for the staff,
525 the public facing services, and continued success of delivering the Agency products.

526
527 Lewis said the last focus for the agency is to keep lines of communication open internally as DOGAMI
528 navigates these months in transition, which has been a key concern throughout the Agency, and she
529 will personally be focusing on this as Interim Director. She said this has been an extraordinary past
530 few years for her in her role and for the Agency overall. She views this interim period as an
531 opportunity to take small steps to build a strong agency in the service of the natural resources and
532 people of Oregon.

533
534 Lewis thanked the Board for the opportunity to serve as the Interim Director and as State Geologist
535 after the retirement of Director Avy and during the new DOGAMI Director recruitment.

536
537 Ashford said he is really thankful that Lewis was willing to step in as Interim Director. It is really great
538 for the Agency, and it gives a high comfort to himself and the other Board members. He thanked her
539 for serving in the role.

540
541 Kozlowski agreed with Ashford. She asked about the return to the office and how it will look. Lewis
542 said agencies have been directed to be flexible as possible while still meeting key business needs.
543 Leadership expects to have quite a few staff continue to work remotely.

544
545 Chair Maffei said to some degree it is not up to Lewis to decide, it is up to what the Governor's Office
546 tells the Agency it needs to do.

547
548 Kozlowski said everyone is grappling with this, there are real advantages to working at home, but
549 there are also advantages to teamwork and coming together. It is going to be a real challenge for
550 everyone over the next year or so.

551
552 Briefing: **No Board Action Required.**

553
554 **10) Confirm Time and Date for Next Meeting:**

555 Chair Maffei stated the next DOGAMI Board is currently scheduled for Friday, December 10, 2021 at
556 8:30 a.m. – 1:00 p.m. in Portland or via Zoom. She confirmed this date is still acceptable for the
557 Board.

558
559 Chair Maffei informed the Board the information in the Board Packet has changed regarding a Special
560 Board meeting to discuss recruitment and appointing a new Agency Director. The Friday, October 8,
561 2021 date will not happen. The Board discussed possible Executive Session recruitment dates. It was
562 decided to hold November 1 and November 8, 11:00 a.m. – 1:00 p.m. on both dates.

563
564 Kozlowski asked for a reminder on the next steps for the Board. Maffei reviewed the interview
565 process with the Board. She said the selection meeting may have several candidates to review.

566

567 **11) Public Comment:**

568 Only written comments received prior to or by 1:30 p.m. on the day of the meeting were to be
569 accepted. Chair Maffei asked for any written public comments. No public comments.

570

571 **12) Board Adjourn:**

572 Chair Maffei adjourned the meeting at 10:53 a.m.

573

574 APPROVED


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Laura Maffei, Chair