

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

Tuesday, September 9, 2019

8:30 a.m.

*Portland, Oregon*

**1) Call to Order:**

Chair Maffei called the meeting to order at 8:42 a.m.

**2) Executive Session:** – Annual Director Review

Chair Maffei announced the start of the Executive Session for the Director’s Annual Review.

**3) Return to Public Session:**

Chair Maffei reconvened the regular public session at 10:40 a.m. following the Director’s evaluation.

**4) Introductions:**

Chair Laura Maffei, Vice-Chair Katie Jeremiah, and Board Members Diane Teeman, Linda Kozlowski, and Scott Ashford (via phone) were in attendance.

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

Brad Avy, Director/State Geologist  
Lori Calarruda, Recording Secretary/Executive Assistant  
Dania Ballard, Chief Financial Officer (CFO)  
Bob Houston, Interim Legislative Coordinator  
Sarah Lewis, MLRR Program Manager  
Vaughn Balzer, Floodplain Mining Reclamationist  
Christina Appleby, Acting GIS & Remote Sensing Supervisor  
Bill Burns, Acting Earth Science Supervisor  
Laura Gabel, Natural Hazards Supervisor  
Jack Kenny, Operations and Policy Analyst

Others in attendance:

Sherry Carter, DAS Human Resources (HR)  
Diane Lloyd, Department of Justice (DOJ)  
John Terpening, Legislative Fiscal Office (LFO)  
Alison Webb, DAS Office of the Chief Financial Officer  
John McKesson, Public – Emeritus of Clatsop Soil & Water

**1 5) Annual Director’s Evaluation:**

2 Chair Maffei stated the Board conducted the Annual Director’s Evaluation/Review. An Anonymous  
3 survey was sent out for feedback and the Board reviewed those results with Director Avy. Maffei  
4 said Director Avy has strong support from the Board. They appreciate what he has done in the last  
5 year and a half, but there are areas that can be improved.

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Chair Maffei said based on input from staff, communication within the Agency can be better. It is good with the management but not to the staff. The Board wants the staff to feel included. Director Avy will send out frequent/regular updates. This also includes/involves the satellite offices and ensuring they feel included in the Director's decisions and guidance.

The Board expects the Director to develop an internal communication plan on how things will be communicated.

The Board believes it is critical that Director Avy hire someone permanently for the GS&S Program Manager position. Not having someone in that position hinders his ability to lead the Agency effectively and efficiently. It is expected that the Agency will have a recruitment started by the next Board meeting in December based on funding availability.

Chair Maffei entertained a motion to adopt the Board's Annual Director's Review/Evaluation as discussed in Executive Session.

**Board Action: Kozlowski moved to accept the Annual Director's Review/Evaluation. Jeremiah seconded. Motion carried.**

**6) Review Minutes of July 9, 2019 and August 1, 2019:**

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

**Board Action: Kozlowski moved to approve the minutes of July 9, 2019 as submitted. Jeremiah seconded. Motion carried.**

**Board Action: Jeremiah moved to approve the minutes of August 1, 2019 as submitted. Kozlowski seconded. Teeman abstained. Motion carried.**

**7) Financial Report:**

Dania Ballard, Chief Financial Officer, presented the budget status report as of June 30, 2019.

Ballard discussed the Board Governance and Expectations of the Board in terms of the requirements for reviewing key financial information and making decisions, which are connected to the Key Performance Measures (KPMs). This meeting's focus is on appropriately accounting for resources and ensuring the Agency is following rules and other financial controls that are in place.

Ballard stated the fiscal year ended on June 30, 2019. There is a serious cleanup of the financials taking place; the Agency is still trying to get payables done because they could not be paid until the additional budget was approved and had the money available. The FY19 financial report in the Board Packet is not the absolute numbers as it still includes estimates, and due to audit requirements, they will not be finalized until December.

Ballard said July 2019 has closed but the financials have not been completed due to the workload for year-end close. She expects to have the most current FY20 financial information at the next Board meeting in December. The Agency also anticipates having more staff in the Business Office at that time.

53  
54 The financial reporting for the GS&S program, as of June 30, 2019, shows an ending balance of  
55 \$184,000 which is not a correct statement because it still being cleaned up and should be zeroed out.  
56 This money is part of the additional \$650,000 request.

57  
58 MLRR is expected to have an ending balance of \$589,000 for the June 30, 2019 close. This amount  
59 could still be adjusted because it includes the expected revenue from Calico that has not yet been  
60 received.

61  
62 Ballard said the Strong Motion Instrument Fund is expecting an ending balance of \$274,276, with  
63 expenditures of about \$375,000 that had been paid out and used primarily by the University of  
64 Oregon for Shake Alert. Ballard briefly explained how the money is collected and spent. She stated  
65 every time a building is constructed, it is required to have a strong motion instrument installed in it,  
66 but the builders do have the option of getting estimates for that cost and then submitting the  
67 amount to the fund, which the money is then used to place instruments in other buildings to collect  
68 data. Houston added that the sites, if not located in a particular building, are based off where gaps in  
69 the collecting array are throughout the State.

70  
71 Ballard stated the Reclamation Guarantee Fund has 58 cash securities for a total balance of \$628,942.  
72 Lewis explained that the cash securities on hand are for reclamation purposes of sites. During the  
73 permitting process for all mining sites, including oil, gas and geothermal wells, a bond or security is  
74 required to be submitted with the permit. Most are done as securities held through banks but MLRR  
75 does accept cash securities for sites, this fund and amount represents what is on hand; this means 58  
76 sites out of 900 permits have cash securities.

77  
78 Ballard said the Financial Report has more details and typically she would go through each category  
79 and discuss the variance items, but since it is year-end close, there is still clean-up being completed.  
80 Kozlowski said she appreciated how Ballard presented the information.

81  
82 Ballard discussed what has been happening with the Agency and what will be done going forward.  
83 She said the Business Office is trying to get out from under a heavy rock and move forward. All the  
84 outstanding grant financial reporting is up-to-date and current thanks to Jack Kenny. What it does  
85 not mean, there are still grants reflecting being overspent. There is still cleanup of moving the  
86 overspent money into General Fund. Kozlowski asked if the practice of moving overspent money into  
87 General Fund will continue. Ballard said the goal is to not overspend in the future.

88  
89 Ballard handed out a list of the current overspent grants totaling \$375,136.39. She said in her  
90 narrative that it is \$405,183 but that was incorrect because there were some grants that should not  
91 have been on the list. There are two new grants that are in overspent status; they are multiple years.  
92 For the 2014 CTP grant, it was decided to move forward with minimal work to complete it. They are  
93 still determining what happened with the DAS GEO grant(s).

94  
95 The Agency is trying to get an overall perspective of open grants for all the grants in overbudget  
96 status. Some grants are still showing as active but may actually be completed as far as work being  
97 done; that is being cleaned up. Kozlowski asked what the status is on the overspent budgets. Ballard  
98 answered these grants were the ones overspent and the \$650,000 request was to close them out  
99 with no work is being done. Kenny explained these grants were charged to Federal Funds and the  
100 \$650,000 is to clean up the negative amount. There are some grants that have already had General

101 Fund charged to them. Some of the grants had Other Funds used to cover them, which then reduced  
102 the Other Funds cash balance. These grants will not be seen in the future once they are closed  
103 properly. Kozlowski asked what the controls are internally to make sure this does not happen again.  
104 Ballard said they will be getting tools to catch it ahead of time.

105  
106 Ballard stated the recruitments for the Grant Accountant, an Accountant 3 level, and the Contract  
107 and Procurement Specialist 2 positions, went live on September 3rd and will close on September  
108 24th. The Fiscal Analyst 3 position is a rotation position because Alyssa Pratt is currently on a  
109 rotation in another agency, so it will need to be done differently.

110  
111 Ballard discussed the tools they are building that will help the team build the capacity required to  
112 work with project managers to help them stay on budget. Kozlowski asked when a budget is done for  
113 a grant, does it anticipate when funds are going to be expended. Ballard answered not at this time,  
114 but explained they are building tools that will address that question by looking at projections on a  
115 monthly basis, also regular draws need to be done consistently to support the spending being done.

116  
117 Ballard said they have created a grant application budget allocation tool to anticipate all the costs  
118 that could be related to a project. The Agency never really took leave into consideration on projects,  
119 but it is in place now.

120  
121 Ballard said she left the key word projections out of the grant budget monitoring tool description. It  
122 is a tool, with the help of DAS, that looks at each grant on a monthly basis. It identifies all of the  
123 labor hours related to the project on a monthly basis going forward as projections, the other  
124 expenses, and will also track backwards what happened to reallocate as necessary, but it is still in  
125 process. They will know what monthly expenses there are on a monthly basis, project what revenue  
126 should be on a monthly basis, and use as a staff placement tool because it will track each person.  
127 This will also help them determine what type of expertise is needed for projects. Kozlowski asked if  
128 the type of staff will help determine the types of grants they go after or do not go after. Ballard  
129 answered potentially yes and that it will help guide the Agency's business decisions on what kind of  
130 work to go after based on staff's skills and availability.

131  
132 The grant financial reporting is helping them understand what is needed for the project managers.  
133 This tool lays out all the financial aspects of the grants. It will help the grant accountant to determine  
134 the indirect expenses and the direct expenses for project managers. They are getting into the gritty  
135 details of expenses and the changes are helping them get there.

136  
137 The team is creating a general fund allocation grant funding mix report. This will help the leadership  
138 team make decisions on grants, including match requirements.

139  
140 Kozlowski said good work and the narrative really helps them focus on what the Board should be  
141 looking at. Maffei asked what is the projection of when all the reporting tools will be done. Ballard  
142 answered the grant application tool is done and being used, but she also expects the tools to evolve  
143 as needs change. By next meeting they should have most of them done.

144  
145 Director Avy asked Ballard to speak to the day-to-day and being overwhelmed. Ballard said she is  
146 overwhelmed on the day-to-day and they only have one year to demonstrate they can make year  
147 two work. They are making it happen and it is doable. There is still such a heavy workload on trying  
148 to get year end completed. June 30th is still a priority over July 30th. Maffei asked how many hours

149 Kenny works per week. He replied 25-30 hours per week. Ballard said Opal Bontrager at DAS, has  
150 been a big part of getting things caught up. Capacity is an issue at this point. Kozlowski told them to  
151 hang on.

152  
153 Jeremiah asked to clarify the Board members are only accepting the report and not the budget.  
154 Maffei said yes, only the report.

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156 Board Action: **Jeremiah moved to accept the Budget Status Report as presented. Kozlowski**  
157 **seconded. Motion carried.**

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159 **8) Key Performance Measures (KPMs) Annual Data Report:**

160 Bob Houston, Interim Legislative Coordinator, reviewed completed Key Performance Measures  
161 (KPMs) 1) Hazard and Risk Assessment Completion, 2) Detailed Geologic Map Completion, 5)  
162 Customer Services, and 6) Governance. KPMs 3 and 4 were presented and approved at the last Board  
163 meeting. The Key Performance Measures (KPMs) show how the Agency has performed and will be  
164 submitted by DOGAMI.

165  
166 **KPM 1 – Hazards and Risk Assessment Completion:**

167 Hazard and risk assessments for Urban Growth Boundaries (UGBs) to map earthquake, landslide,  
168 tsunami, coastal erosion, volcanic or flooding hazards had a 42% baseline. The goal for the future is  
169 to complete 100% in the next ten (10) years.

170  
171 Houston stated the actual percentage completed for 2019 is 45.79%, which is 97% of the target of  
172 47% coverage.

173  
174 Maffei asked how the Agency can get the 1.21% to make the 100%. Houston explained through  
175 grants that overlap those areas. Maffei asked if part of the KPM is out of the Agency's control.  
176 Houston answered yes.

177  
178 Houston said they are projecting to increase the target goal 5% every year.

179  
180  
181 **KPM 2 – Detailed Geologic Map Completion:**

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

184  
185 Geologic mapping is dependent on local, state and federal resources for funding the projects. The  
186 lavender areas are the ones that have been completed. Based on data collected in 2019, 62.6% of  
187 Oregon's nominal inhabited areas have been completed, which represents 99% of the target goal of  
188 63% completed for 2019.

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191 **KPM 5 – Customer Service:**

192 Percentage of customers rating their satisfaction with the agency's customer service as "good" or  
193 "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise, and availability of  
194 information.

195

196 Houston said there are two different customer surveys – overall DOGAMI and MLRR specific. During  
197 fiscal year 2019, DOGAMI received 198 customer responses, which is a significant increase over last  
198 year, in which the Agency received 13 surveys. Kozlowski asked how many of the surveys handed out  
199 does the Agency receive back. Houston said he did not know at this time.

200

201 The target goal of the KPM is 95% of responses as good or excellent for each category. From the  
202 results, the Agency made significant improvements across all categories.

203

204 Helpfulness: 92%, which 97% of the target goal

205 Overall: 91%, which 95% of the target goal

206 Accuracy: 93%, which 98% of the target goal

207 Expertise: 95%, which 100% of the target goal

208 Availability of Information: 86%, which 91% of the target goal

209 Timeliness: 89%, which 94% of the target goal

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#### 212 **KPM 6 – Governance:**

213 For Governance, on an annual basis the Board reviews and responds affirmatively or negatively to the  
214 best practice criteria. The Board went through and responded to the list of fifteen (15) required  
215 questions; the answers will be submitted through the formal process.

216

217 Avy commented that when the Board assessed this previously after the last financial challenge, the  
218 Board imposed a reduction on the one measure and did not know if it was appropriate here or not.

219

220 Chair Maffei said that was fair for 2015, but she feels like the Board members were taking the  
221 information they received and doing what they could to assess it and make sure the Agency was  
222 meeting its budget obligations. The Board can only do the best they can with the information they  
223 have. She is fine with marking the Board down if they must.

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225 Avy said he was not suggesting that direction. Chair Maffei has described the Board having met its  
226 responsibilities.

227

228 Jeremiah said she felt the minutes from the last meeting reflect that the Board felt that they asked all  
229 the right questions and in hindsight do not think they could have asked different questions, they  
230 were just misinformed. She asked if there is any perception that the Board should have done  
231 something differently. Houston answered he had not heard that mentioned at all.

232

233 Kozlowski agreed, she thinks at the last Board meeting they asked significant questions. She believes  
234 now it makes her look more carefully at the finances and at the person giving the information and  
235 their credibility. John Terpening said he did not believe the Board could have done something  
236 differently and has not heard that the Board was not taking appropriate action.

237

238 Ashford stated he thought they asked the right questions but were not given the proper information.

239

240 Board Action: **Teeman moved to approve completed Key Performance Measures (KPMs) 1, 2, 5 and**  
241 **6 of the Annual Progress Performance Report as presented. Jeremiah seconded. Motion carried.**

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243 Note: The full KPM report will be included in the next Board Packet.

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**9) Public Comment:**

Chair Maffei asked for public comment.

Comment of McKesson: McKesson stated he is speaking on behalf of Debbie Boone to say hello to the Board members. He agreed the Agency is going through difficult times. He said he had been trying to find maps for the blind, but has been unable to get them, even from the Commission for the Blind. On behalf of Bonnie and Gary Brown, he stated the dreams of diversity are fulfilled by this Board. He noted that Clatsop County is doing its first every periodic review of its first comprehensive plan.

**Break**

**10) Working Lunch - Rule Writing:**

Bob Houston, Rules Coordinator, discussed three separate rule writing requests.

**Request 1 – Approval of Service Fees Draft Rule Language**

Background: The Oregon Department of Administrative Services has updated the Statewide Policy on Public Records Request Fees and Charges (107-001-030).

This Policy is intended to support:

- Statewide consistency by establishing standards for state agency policies relating to the charging practices and policies for fulfilling requests for public records; and
- Provides a standard process for state agency use when evaluating requests to reduce or waive fees assessed for fulfilling a request.

Previously the Board authorized the Department to initiate rulemaking to amend OAR 632-001-0010 to comply with the Statewide policy on Public Records Request fees and charges.

Houston stated the proposed draft amendments to OAR 632-001-0010 has been reviewed by DOJ.

**Proposed Rule Language:**

**632-001-0010**

**Service Fees**

- (1) When determining fees associated with the processing of requests for public records, the department will follow the statewide standardized fee-structure policy number 107-001-030 maintained by the Department of Administrative Services and adopted on Feb. 15, 2017.
- (2) All Fees and charges must be paid before public records will be made available for inspection or copies provided.

289  
290 Staff Recommendation: Staff recommends approval of the proposed draft amendments to OAR 632-  
291 001-0010.

292  
293 Board Action: **Kozlowski moved to approve the proposed draft amendments to OAR 632-001-0010**  
294 **– Service Fees. Teeman seconded. Motion carried.**

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297 **Request 2 – Initiate Formal Rulemaking**

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299 **HB 2202: High Value Soils**

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301 Background: In the 2013 regular session the legislature passed HB2202 involving aggregate mining on  
302 high value farm land in the Willamette Valley (ORS 517.825). The legislative intent was to make sure  
303 operators mined deep enough to remove all the aggregate and thereby limit areal impacts on high  
304 value soils. DOGAMI’s Governing Board authorized rule writing in Spring 2014 and DOGAMI worked  
305 to put together a Rules Advisory Committee (RAC) including representatives of the mining  
306 community, Farm Bureau, OCAPA, Department of Agriculture, DOGAMI, Department of Justice and  
307 ODOT in the fall of 2014. Unfortunately, that committee was unable to meet prior to the retirement  
308 of former Assistant Director in January 2015.

309  
310 After implementation of HB2202 on January 1, 2014, the DOGAMI MLRR program worked with the  
311 Department of Justice to develop draft rules and procedures that address the requirements of this  
312 statute and implement appropriate permit conditions.

313  
314 In order to comply with statute, the Agency will need to implement rule making. It is important to  
315 note that DOGAMI has received several inquiries going back to June of 2014 regarding the status of  
316 rule writing on this legislation.

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318  
319 Lewis stated the MLRR program is a regulatory program in which most of the requirements are either  
320 written in statute or determined in rule approved by the Board. To ensure their rules are staying in  
321 line with their practices used for permitting, she plans to bring rules to the Board in the future on a  
322 more consistent basis.

323  
324 Lewis summarized the request for High Value Soils rulemaking is to ensure all the gravel is removed  
325 when mining high value farmland. This is the most outstanding item of the program’s rulemaking  
326 related to legislation, and draft rules have been developed. The staff have related procedures they  
327 use and have implemented them with several permits, and they know how it is perceived by the  
328 mining community. The program is asking to initiate rulemaking again so they can finalize the  
329 procedures going forward.

330  
331 Lewis introduced Vaughn Balzer, MLRR’s Floodplain Mining Reclamationist, who has been with the  
332 Agency since 2009. Balzer gave an example of how the permits work. Typically, if a mine site is  
333 proposed on exclusive farm use or EFU zoning, per county land use laws, they have to get approval to  
334 mine that deposit; there has to be a specific amount/volume of aggregate and it must be  
335 mechanically feasible to remove it. These requirements are set and vary by each county based on  
336 depth of sand and gravel deposits. Conditions are also put on the permit that must be met.



337  
338 Chair Maffei asked how Balzer’s example translate into a rule. Balzer explained the rules would  
339 provide a framework for the program to consistently apply the statute/requirement throughout the  
340 state. Lewis said they would need to implement a new rule to address this particular area and then  
341 modify three different existing rules to include the appropriate language to be comprehensive.  
342

343 Teeman asked if there is a place where she can get information for the mechanics of the permitting  
344 process. Balzer explained the basic permit process for MLRR. The program receives an application,  
345 they review the information for completeness and to determine how the mining should be  
346 undertaken. They do not have the authority to determine if a site can be mined, that is a land use  
347 decision, but they get to say how the mine is operated and how it is reclaimed consistent with the  
348 Mined Land Reclamation Act and the statutes on the books. Balzer stated they circulate the permit  
349 to the Natural Resource agencies for both State and federal, Tribes, State Historic Preservation Office  
350 (SHPO), and county for review and the opportunity to provide comments on the permit and proposed  
351 conditions.  
352

353 Chair Maffei suggested having an MLRR staff member give a presentation to the Board on how the  
354 permitting process works.  
355

356 The draft rule is to come back to the Board in December.  
357

358 Staff Recommendation: DOGAMI requests authorization to initiate the rule writing process on  
359 OAR 632-030 to implement HB2202.  
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361 Board Action: **Ashford moved to authorize DOGAMI staff to initiate the rule writing process on**  
362 **OAR 632-030 to implement HB 2202. Kozlowski seconded. Motion carried.**  
363

### 364 **Request 3 – Initiate Formal Rulemaking**

#### 365 **OAR 632-030 Permit Boundary Survey Maps**

366 Background: Rule changes in 2009 required application materials for an operating permit to include a  
367 permit boundary survey map to allow staff to accurately identify the area proposed to be covered  
368 under the permit. The intent of this rule was to provide an accurate record of the permit boundary  
369 for regulatory purposes as well as to define the extent and geography of Oregon that is subject to  
370 mining and mining related activity. The rule also required operators to mark those boundaries on the  
371 ground to prevent adverse off-site impacts.  
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375 Applicants and Permittees report that the cost and time required to obtain a survey is prohibitive.  
376 The wait times reported are 6-12+ months, which delays the permit process. If any changes are made  
377 to the permit during circulation, a second signed map is required, adding additional delays and  
378 expense to the permit timeline. MLRR can identify over 150 permits that require a map to be  
379 submitted and there are 7 known compliance actions related to the requirement for a permit  
380 boundary survey map.  
381

382 Since 2009, technological advances (google maps, GPS, Lidar) have become accessible to the general  
383 public, operators & landowners; there are less costly and more efficient methods to obtain the

384 acceptable level of information required to appropriately assess the permit boundary. Portions of  
385 the existing rules will be retained to allow the department to require permit boundary surveys to  
386 facilitate compliance and enforcement.

387  
388 The Rules Advisory Committee (RAC) will include, but not be limited to representatives of the mining  
389 community, OCAPA, DOGAMI, Department of Justice and the Oregon State Board of Examiners for  
390 Engineering and Land Surveying.

391  
392 Lewis reminded the Board that in previous discussions of the Civil Penalty Program, she had been  
393 asked if there were changes that could be made to avoid reaching the need for Civil Penalties. She  
394 said one of the recurring issues they have been having is around the permit boundary survey map  
395 requirement. The application process currently requires the map to be submitted at the time of  
396 application, it must contain specific information, and be stamped by a licensed professional surveyor.  
397 If modifications are made to the map during the circulation process, the map needs to be re-done by  
398 that professionally licensed surveyor and stamped again, which could take 6-8 months due to  
399 workload. This is holding up the permitting process and it is expensive. There are approximately  
400 over 150 permits that do not have the appropriate map. She said this was a rule change not a statute  
401 change and was implemented in 2009. The intent of the rule was to provide an accurate boundary.  
402 There is now technology and other ways of verifying boundaries. Lewis stated this requirement is not  
403 working, and it is not serving the permittees or staff. This would be a change to two of the basic  
404 requirements for the application. The MLRR program would not be doing away with a permit  
405 boundary licensed survey map entirely, they are still requesting authorization to require one for  
406 discrepancies or compliance issues. She noted this change is modeled on the practices in the state of  
407 Washington.

408  
409 Ashford said it does cause him some concern about doing it away it entirely. Jeremiah asserted the  
410 program is still keeping the option of requesting the survey map if there are concerns or issues.  
411 Kozlowski asked what the trigger would be for asking for one. Balzer explained the process of it  
412 being reviewed by the program's GIS specialist prior to a permit being approved and stated DOGAMI  
413 has the authority to ask for additional clarifying information. Avy asked Balzer to give a practical  
414 explanation of the difference between survey and GPS boundary maps. Balzer briefly explained,  
415 further saying the maps show the boundaries, the mine site areas, and are very accurate.

416  
417 Ashford asked if the proposal is to work with other groups to determine the language. He also asked  
418 who would submit the boundary map. Balzer said most applications have engineered plans of the  
419 proposed mine site. The whole application process has upgraded over the last couple of years and  
420 staff feel comfortable with the level of review and scrutiny the applications receive. Ashford stated  
421 he would want to know the full background of the discussions before he would approve adopting  
422 rulemaking. Teeman said it would be helpful to know accuracy of the GIS maps. Teeman asked if the  
423 new process could be spot checked after 6 months to follow up to verify how accurate it is. Lewis  
424 said she was not sure they could follow up that quickly.

425  
426 Ashford asked for an update from the Rules Advisory Committee (RAC) before the rule comes to a  
427 vote. Houston explained the process of having draft language before going to the RAC. Ashford  
428 asked how long it would take. Houston said it would depend on the issue. Balzer said they currently  
429 receive a lot of pushback from permittees on how long it takes to resurvey the boundary. Lloyd said  
430 you could go to the entire group for input on the draft language and not to just one to get  
431 information. Jeremiah gave her side of the issue saying it was a very time consuming and expensive

432 process and supports this change. She believes it still allows the program to stay within the spirit of  
433 the law and that it reduces the amount of unnecessary red tape since the county, in most  
434 circumstances, will have a mining boundary surveyed map requirement.

435  
436 Chair Maffei requested an update at December's Board meeting.

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438 Staff Recommendation: DOGAMI requests authorization to initiate the rule writing process on OAR  
439 632-030 to amend language requiring permit boundary survey maps with applications.

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441 Board Action: **Jeremiah moved to authorize DOGAMI staff to initiate the rule writing process on**  
442 **OAR 632-030 to amend language requiring permit boundary survey maps with applications.**  
443 **Kozlowski seconded. Ashford opposed. Motion carried.**  
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445 **11) MLRR Update:**

446 Sarah Lewis, MLRR Program Manager, provided an MLRR update on:

447  
448 [Please note, included in this packet are the ENGAGE Fall newsletter being sent out that can also be  
449 found online: <https://www.oregongeology.org/mlrr/engage.htm>]

450  
451 Permit Status Summary

452 Lewis reviewed the detailed list of permits and said there are about 100 renewals per month. She  
453 discussed the amount/number of permits and the processing time of under one year. So far for Fiscal  
454 Year 20 (FY20), there have been seven applications, eleven permits have been issued, and there are  
455 seven remaining that are older than one year. She explained floodplain sites take more time to  
456 process due to requirements and more state agency interactions.

457  
458 Lewis provided an update on compliance and Civil Penalties. The way the new program works is a  
459 renewal is late after one month and after two months a Civil Penalty is issued. The staff had  
460 identified three sites that were high risk; one paid 21 days early, one paid one day late, and the site  
461 that has paid over 60 days late for eleven times in the last 17 years, paid one week late. There is  
462 currently one late payment for a moderate risk site, but they are not overly concerned and believe it  
463 will be paid before a Civil Penalty needs to be issued. The newsletter has been very successful in  
464 getting the message out. Lewis will have more information on Civil Penalties and late payments at  
465 the next Board meeting in December. Lewis said mining without a permit is their second biggest  
466 compliance issue, that includes mining outside of the permit boundary.

467  
468 Chair Maffei asked about the requirement for the bond listed on the Compliance Action Summary  
469 table. Balzer said one example is a mine operation changed their name and the security needs to  
470 have the exact name; they have been working with the permittee for a replacement reclamation  
471 security.

472  
473 Briefing: **No Board Action Required.**

474  
475 **12) Grassy Mountain Update:**

476 Sarah Lewis, MLRR Program Manager, provided the Grassy Mountain Update.

477

478 Lewis provided a brief update and said they are not pursuing any technical work at this time. Once  
479 the financial side has been resolved, they will start working on it.

480

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

482

483 **13) GS&S Update:**

484 Avy stated the update is normally provided by the Program Manager, but she has taken a rotation  
485 position outside the Agency so the supervisors will provide the update.

486

487 GS&S Improvement Plan – Christina Appleby

488 Appleby introduced the Improvement Plan. She stated it was created to capture the changes that  
489 were happening and needed to be done. It is a living document that is used as a tool to track goals,  
490 meet the requirements, and provide external communication.

491

492 The short term new mission statement is: Operate a fiscally responsible agency that is recognized for  
493 its excellence in business acumen, regulation of natural resource extraction and reclamation, and  
494 production of geologic information for the state of Oregon.

495

496 There are four main goals: project management/managers, program management, financial  
497 management improvements, and demonstrating/communicating the progress being made to  
498 external partners. Examples include having a fully staffed Business Office and the status of  
499 documents being created. She asked the Board to let the team know if there are any additional items  
500 they would like to see added. The progress from the team will be provided to the Board. Kozlowski  
501 stated it was impressive that there are specific roles and people assigned to tasks. Chair Maffei asked  
502 to have the entire document sent to the Board members.

503

504 GS&S Staffing Update – Laura Gabel

505 Gabel provided a staffing update saying the layoff process has been completed. The Legislative Fiscal  
506 Office (LFO) Budget Note indicated the Agency would lose three filled positions and two vacant  
507 positions. Through the process two vacant positions were eliminated; the NRS 5 staff chose to move  
508 to a vacant NRS 4 position; one NRS 4 staff voluntarily left the Agency; the other NRS 4 position had  
509 been underfilled so the staff member was moved to another vacant position; and then the NRS 4  
510 position was eliminated. Gabel said it is tough to get projects done in a timely manner, that it is  
511 definitely a challenge, but they are getting it done. Kozlowski asked how many people ultimately left  
512 because of the staffing. Gabel answered one voluntarily left. Gabel added there are currently four  
513 Limited Duration (LD) positions whose contracts were recently renewed for one year.

514

515 GS&S Current Workload Status – Bill Burns

516 Burns discussed the GS&S workload related to proposals, projects and publications. He said there are  
517 seven new proposals – three for DLCD and four for DAS GEO. The Agency is anticipating three federal  
518 proposals this fall – two are lidar projects and the third is the annual STATEMAP proposal to USGS; all  
519 will require permission from the Legislature for approval to apply for these federal grants. These  
520 grants support DOGAMI staff, which in turn help communities, cities, counties, other state agencies,  
521 federal agencies and the citizens of Oregon.

522

523 Kozlowski had questions about the Oregon Tsunami Hazard Mitigation project related to the training,  
524 education, and who the partners are. Gabel discussed the details and said that DOGAMI and OEM  
525 split the grants with OEM providing more of the training.

526  
527 There are two new projects: Oregon Tsunami Hazard Mitigation for FY2019 and Modified Portland  
528 METRO 2019 Lidar, which is a modification to a lidar collection project in Portland. Maffei asked how  
529 old the last Portland Metro lidar one was. Appleby thought it was 5 years, but the city has changed,  
530 and they wanted current data.

531  
532 Burns discussed the requirement from Ballard for two-year staff time forecast sheets outlining how  
533 many hours each staff is going to work on each project. He said it was positive having the open  
534 communication with the Business Office and the information project managers are receiving on  
535 financials to help them manage projects.

536  
537 There are two new publications: Open-File Report 0-19-04, Comparison of Oregon Tsunami Hazard  
538 Scenarios to a Probabilistic Tsunami Hazard Analysis (PTHA), and Open-File Report 0-19-03, Columbia  
539 River Simulated Tsunami Scenarios, which compares the tsunami hazard from DOGAMI and ODOT.

540  
541 Kozlowski acknowledged the good work.

542  
543 Briefing: **No Board Action Required.**

544  
545 **14) Director's Report:**

546 Director Avy presented his Director's Report on the following:

547  
548 Legislative Budget Notes Progress

549 Avy provided a flowchart handout of DOGAMI's Path Forward and highlighted a few items. He  
550 discussed engaging with an organizational consultant, suggested by Sherry Carter and the  
551 Commission for the Blind. This particular consultant helped the Commission's leadership team and  
552 the organization tie in every person's contribution and ownership for the what the outcome needed  
553 to be for the Commission. DOGAMI is exploring this as a possibility in the future.

554  
555 As part of Budget Note requirements, DOGAMI is meeting with DAS, LFO, and the Governor's Office  
556 on a monthly basis to discuss the Agency's financials and progress. A Strategic Plan for DOGAMI's  
557 future is being developed by the Governor's Office, in collaboration with DAS, and is to be presented  
558 at the next legislative session. Avy discussed the possible impact on the Agency, with options ranging  
559 from continued existence to being abolished. One Budget Note item requires MLRR to have a  
560 detailed fee increase proposal for the next legislative session. Sarah Lewis and Jack Kenny are  
561 working on a draft proposal which carves off the Calico expenses to clearly identify what the fee  
562 increase applies to. One goal is consistency going forward between the individual program fees  
563 within MLRR.

564  
565 Avy mentioned they are anticipating having three requests for approval to apply for grants in the  
566 November legislative committee hearings. One is STATEMAP, which has been an ongoing standard  
567 for the Agency. A second is a large lidar grant, which originally was under DAS GEO. DOGAMI has  
568 been asked to take that on from DAS to propose it for \$3 million over 5 years; the first installment,

569 which is over \$600,000, is primarily for lidar in the south coast area. The third is a smaller lidar  
570 project.

571  
572 Maffei asked if the grant applications and the view from the Legislature will be an early indicator of  
573 how they are feeling about the Agency. Avy agreed and said it may be before that based on whether  
574 they accept them to be considered.

575  
576 Kozlowski asked for more information on the consultant firm. Avy said a specific consultant firm has  
577 not been decided and the Agency is unable to commit until they know they have a buffer in General  
578 Fund to cover the cost.

579  
580 Kozlowski said she is pleased that the Governor's Office is going to engage the Board on the Strategic  
581 Plan discussion. Avy stated he is anticipating that to take place as he has been encouraging it in the  
582 monthly meetings, but he had not heard that it has been confirmed yet.

583  
584 Payment Process Update: Grassy Mountain Chemical Gold Mine

585 Avy discussed what he could based on a confidentiality agreement that is in place. He thanked Board  
586 member Kozlowski for her assistance. He stated the process involved working with Senator Johnson  
587 and meeting with the concerned parties and other Legislators on August 21st. There is a conceptual  
588 agreement and the Agency anticipates a final settlement agreement in October.

589  
590 GS&S Program Update

591 Avy said Alyssa Pratt, Acting GS&S Program Manager, took a rotation at a different agency as a  
592 Program Coordinator. She still has the opportunity to come back to DOGAMI. If funds are available,  
593 the recruitment for a permanent Program Manager could move forward. Long term, the possibility  
594 of having two managers would be ideal to cover staff and their needs. Avy said he appreciated all  
595 the rotational supervisors and had positive comments about the work they did during their rotations.  
596 Maffei asked how many had been through the rotation in the GS&S program as a supervisor or  
597 manager. Avy said about ten, with some being duplicates.

598  
599 Briefing: **No Board Action Required.**

600  
601 **15) Confirm 2020 DOGAMI Board Meeting Dates:**

602 Lori Calarruda, Executive Assistant/Chair Maffei presented the proposed 2020 Board meeting dates.  
603 Currently all meetings are anticipated to take place in Portland.

604  
605 The 2020 DOGAMI Board Meeting Dates:

606  
607 **March 9, 2020 (Monday)** – Portland, OR

608  
609 **July 13, 2020 (Monday)** (possible retreat on July 12 – Sun evening) – TBD

610  
611 Note: A location for the July dates has not been determined. Chair Maffei will have a discussion at  
612 the March meeting after the Legislative session and the status of the Agency is known.

613  
614 **September 25, 2020 (Friday)** – Portland, OR

615  
616 **December 4, 2020 (Friday) – Portland, OR**

617  
618 Board Action: Ashford moved to accept the proposed 2020 Board meeting dates as discussed.  
619 Kozlowski seconded. Motion carried.

620  
621 **16) Confirm Time and Date for Next Meeting:**

622 Chair Maffei stated the next DOGAMI Board is currently scheduled for Monday, December 9, 2019 in  
623 Portland. She is confirming this date is still acceptable for the Board.

624  
625 The date was not changed but the start time was changed to 8:00 a.m. with all decision-making items  
626 to be scheduled first on the agenda.

627  
628 Board Action: Jeremiah moved to confirm December 9, 2019 at 8:00 a.m. as the next meeting date.  
629 Kozlowski seconded. Motion carried.

630  
631 **17) Public Comment:**

632 Chair Maffei asked for public comment.

633  
634 Comment of McKesson: McKesson discussed jurisdictions and rulemaking then stated the areas that  
635 are unable to be changed should be marked out and left alone.

636  
637 **18) Board Adjourn:**

638 Chair Maffei adjourned the meeting at 2:13 p.m.

639  
640 APPROVED

641  
642   
643  
644 Laura Maffei, Chair

645