

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

July 9, 2019

8:30 a.m.

Portland, OR

Public Meeting Agenda

The Board makes every attempt to hold strictly to the sequence of the distributed agenda. Times and topics may change up to the last minute, but the times for public comment will be available as indicated below. This agenda is available on the DOGAMI website: www.oregongeology.org.

- 8:30 a.m. Item 1: Call to Order** – Chair Laura Maffei
- 8:35 a.m. Item 2: Introductions** – Chair Laura Maffei and staff
- 8:40 a.m. Item 3: Review Minutes of March 18, 2019**
Board Action: The Board will be asked to take an action on this item
- 8:45 a.m. Item 4: Legislative Update** – Bob Houston, Interim Legislative Coordinator
Briefing: The board will not be asked to take an action on this item
- 8:55 a.m. Item 5: KPMs Annual Data Report Review** – Bob Houston, Interim Legislative Coordinator
Board Action: The Board will be asked to take an action on this item
- 9:25 a.m. Item 6: Rule Writing** – Bob Houston, Interim Legislative Coordinator
Board Action: The Board will be asked to take an action on this item
- 9:45 a.m. Item 7: Review New Process of Evaluation for Director** – Sherry Carter, DAS Client Agency Human Resources Business Partner
Board Action: The Board may be asked to take an action on this item
- 10:05 a.m. Break**
- 10:15 a.m. Item 8: Financial Report** – Dania Ballard, Chief Financial Officer/Jack Kenny, Operations and Policy Analyst
Board Action: The Board will be asked to take an action on this item
- 11:15 a.m. Item 9: Public Comment**
Three minutes limit per person unless otherwise specified at the meeting by the Chair
- 11:25 a.m. Break**

- 11:35 a.m. Item 10: Working Lunch - Grassy Mountain Update** – Randy Jones, DEQ Regional Solutions Liaison
Briefing: The board will not be asked to take an action on this item
- 11:45 a.m. Item 11: MLRR Update** – Sarah Lewis, MLRR Program Manager
Briefing: The board will not be asked to take an action on this item
- 12:05 p.m. Item 12: GS&S Update** – Alyssa Pratt, GS&S Program Manager
Briefing: The board will not be asked to take an action on this item
- 12:20 p.m. Item 13: Director’s Report** – Brad Avy, Director
Briefing: The board will not be asked to take an action on this item
- 12:40 p.m. Item 14: Public Comment**
Three minutes limit per person unless otherwise specified at the meeting by the Chair
- 12:50 p.m. Item 15: Confirm Time and Date for September Meeting and Schedule new Board Retreat Date** – Chair Laura Maffei
Board Action: The Board may be asked to take an action on this item
- 1:00 p.m. Item 16: Board Adjourn**

PLEASE NOTE

AGENDA

The Board meeting will begin at 8:30 am, and proceed chronologically through the agenda.

PUBLIC TESTIMONY

If you wish to give testimony on any item scheduled on this agenda, please sign up on the sheets provided on the day of the meeting and you will be called to testify by the Board Chair. The Board places great value on information received from the public. Persons desiring to testify or otherwise present information to the Board are encouraged to:

1. Provide written summaries of information to the Board (7 sets);
2. Limit testimony to 3 minutes, recognizing that substance, not length, determines the value of testimony or written information;
3. Endorse rather than repeat testimony of other witnesses; and
4. Designate one spokesperson whenever possible when groups or organizations wish to testify.

THANK YOU FOR TAKING TIME TO PRESENT YOUR VIEWS

If you bring written materials to the meeting, please provide seven (7) copies. If you have questions regarding this agenda, please contact Lori Calarruda at (971) 673-1537 or you may email her at lori.calarruda@oregon.gov

REASONABLE ACCOMMODATION OF DISABILITIES

Reasonable accommodation, such as assisted hearing devices, sign language interpreters, and materials in large print or audiotape, will be provided as requested. In order to ensure availability, please contact the Director's Office at (971) 673-1555 at least 72 hours prior to the meeting to make your request.

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Lori Calarruda, Executive Assistant

Date: June 28, 2019

Regarding: Agenda Item 3 – Review Minutes of March 18, 2019

Attached are draft Board Minutes from March 18, 2019.

Proposed Board Action: The Board Minutes of March 18, 2019 be Approved/Approved as amended/Not Approved.

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

Monday, March 18, 2019

8:30 a.m.

Portland, Oregon

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

Chair Laura Maffei called the meeting to order at 8:40 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 in attendance.

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

Brad Avy, Director/State Geologist

Lori Calarruda, Recording Secretary/Executive Assistant

Kim Riddell, Chief Financial Officer (CFO)

Sarah Lewis, MLRR Program Manager

Bob Houston, Interim Legislative Coordinator

Randy Jones, Chemical Process Mining Coordinator

Alyssa Pratt, Acting GS&S Program Manager

Christina Appleby, Acting GIS & Remote Sensing Supervisor

Bill Burns, Acting Earth Science Supervisor

Ian Madin, Senior Scientist & Earthquake Hazard Geologist

Lisa Reinhart, Water Quality Reclamationist

Connor Anderson, Chief Information Officer

Others in attendance:

Sherry Carter, DAS Human Resources (HR) (via phone)

Diane Lloyd, Department of Justice (DOJ)

John McKesson, Public Member

Chair Maffei asked Board members to state their names when they make motions, to ensure it is captured correctly in the minutes.

1 **3) Review Minutes of December 10, 2018:**

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

3

4 Board Action: **Ashford moved to approve the minutes of December 10, 2018 as submitted.**
5 **Kozlowski seconded. Motion carried.**

6

7 **4) Financial Report:**

8 Kim Riddell, Chief Financial Officer (CFO), presented the budget status report as of January 31, 2019.

9

10 Riddell explained to the Board recent health issues/events have occurred with the Business Office
11 staff causing there to be no coverage of Accounts Receivable (AR), Accounts Payable (AP), or
12 budgeting for about six weeks. The staff members are back part-time and trying to play catch up.
13 There is a plan to hire an Accounts Payable Technician to start in July at the beginning of the next
14 biennium.

15

16 Riddell stated DOGAMI is very complex in its finances. It is the end of the biennium and things are
17 tight, but the Agency is trying to reign in expenditures. GS&S is being watched closely and should
18 skim by as long as nothing unexpected comes up. She had been working with a Division 37 permittee
19 on payment arrangements before she became sick. The Agency is currently working to get revenue
20 from them and an agreement on what they should pay because they are debating a lot of
21 expenditures.

22

23 Riddell said it currently looks like General Fund is going to be overspent and the Agency is overbudget
24 on grants. Riddell handed out a list of overbudget grants per Ashford's request from last meeting.
25 She walked the Board through the spreadsheet and explained 0415 is Other Funds, 0615 is Federal
26 Funds, and 0805 is General Fund. Ashford asked about the General Funds and what each line means,
27 whether it is match or if they are over. Riddell stated in one case it has gone over and went into
28 General Fund to cover expenses so far. All the grants are active, but it does not mean they are open,
29 which means no expenditure can occur there anymore. They are also overbudget and she has been
30 waiting to ensure all charges are done before she closes and balances them.

31

32 Riddell explained the Agency carries forward Other Funds, which is about \$546,000. It will be using
33 that to cover the overages in Federal Funds and Other Funds, and not using General Fund as much as
34 possible. Ashford asked if the carry forward is still General Funds. Riddell stated General Fund must
35 zero out at the end of the biennium and cannot be carried forward. Ashford asked if the Other Funds
36 are allocated for something specific or can be used for other costs. Riddell answered Other Funds are
37 from outside sources, such as local counties and private companies that are not Federal Fund or
38 General Fund, they carry a balance and do not need to be spent on something specific, but she does
39 not want to deplete the entire pool. Kozlowski asked if Riddell plans for Other Funds related to
40 budgeting purposes. Riddell responded she does not because they are inconsistent.

41

42 Ashford asked if the overbudget grants will have the out of scope work covered. Riddell stated they
43 have been working with the staff on how to say no to the extra work in the future. Ashford
44 commented that his concern is the Principal Investigators (PIs) have gone overbudget and they have
45 decided for the Agency how the funds will be used and does not think it is appropriate. Riddell said
46 she has been working with PIs to include 10% on budgets to cover any additional work so they are
47 not overbudget.

48

49 Jeremiah said she vaguely recalled from last meeting that these grants were going to be under
50 Riddell's oversight and the PIs would need to check in periodically on budget for accountability, and
51 she asked for status on that program. Riddell explained the Agency put a stop work on them and if
52 there is still work that needs to be done the PI needs to come to a Leadership Team Meeting (LTM)
53 and explain why they need to continue work on it.

54

55 Maffei said it seemed that while Riddell was out of the office, PIs were not able to get financial
56 updates to stay on top of it. Riddell replied they are trying to get those caught up and stated that

57 when she first started at DOGAMI Pls did not want the reports at first but now they are asking for
58 them. Ashford said he cannot believe the overages happened during the time Riddell was out and
59 believes it happened before then. Kozlowski agreed with Ashford but said this is change and is
60 impressed the Agency is drawing the line. Jeremiah said she wanted to bring up the fact there was
61 no coverage during the outage and that is something that needs to be discussed by the Board.
62

63 Jeremiah had questions about the MLRR budget related to the fixed and variable revenue and asked
64 if it was projected and how it was done in the budget. Riddell stated they do budget for fixed and
65 variable revenue, but it is hard to see in the budget report. Riddell said the standard reserve or
66 beginning balance is a 3-month buffer, but she would prefer 6 months. The Agency plans the
67 revenue on a biennial bases, not month to month, and always hope the beginning balance is higher
68 at the end of the biennium than when it started, and that is if all the revenue comes in. Riddell
69 stated that they will be eating into the beginning balance by the end of this biennium. She said that if
70 the fee increase does not go through then the Agency will need to do reductions and lose staff next
71 biennium.
72

73 Ashford asked Riddell to explain the revenue that is being reviewed with contractors regarding
74 inappropriate billing. Riddell stated the Division 37 chemical processing mine, owned by Calico
75 company, is feeling like they are paying for things from the contractors they should not have to pay
76 for. Ashford asked if the contractors are going to be asked to remove the charges. Riddell answered
77 that conversation has not happened yet. She also stated DOGAMI has been billing 100% of expenses
78 and feels there are some expenses that should not be billed for. Ashford asked if Riddell is the one
79 who reviews the invoices. She answered no, the subject matter expert (SME) reviews it first. Maffei
80 asked how much is being removed. Riddell replied it depends. Kozlowski asked if the contract had
81 expenses listed in it. Riddell said yes (Lloyd nodded in agreement). Ashford said DOGAMI should
82 reject any inappropriate charges and send back to the contractor. Riddell agreed and said she
83 wanted to make it clear there are charges DOGAMI has accepted and the expenditures will be
84 covered by the Agency. Maffei asked if there are charges the company is disputing that the Agency is
85 not giving up. Riddell answered yes (Randy Jones nodded in agreement).
86

87 Board Action: **Kozlowski moved to accept the Budget Status Report as presented with a caveat that**
88 **there were some difficulties in the past and it is not at a level the Board would like (it is a work in**
89 **progress for budgeting issues). Teeman seconded. Motion carried.**
90

91 5) **Grassy Mountain Update:**

92 Randy Jones, Chemical Process Mining Coordinator, provided the Calico Update.
93

94 Jones reminded the Board this project is now called Grassy Mountain Gold Project due to the location
95 and mineral deposit type. Kozlowski asked if the type of deposit matters. Jones replied yes, because
96 it is the deposit that DOGAMI regulates.
97

98 Process Snapshot – Calico Resources is planning to submit on July 1, 2019 a Consolidated Permit
99 Application which will cover multiple agencies. Based largely on the 2018 Economic Prefeasibility
100 study, another Exploration Permit was issued by DOGAMI on January 2, 2019 for the Wally-Wood
101 cluster of claims north of Grassy Mountain. On January 15, 2019 a land use application was
102 submitted by Calico with Malheur County for the 62-acre Patented Claim, with a scheduled hearing
103 on March 28, 2019. ODFW and DLCDC are preparing written comment and testimony on it; DOGAMI is

104 reviewing this. The ODFW and DLCD interest is significant due to the Greater Sage Grouse mitigation
105 plan requirements. Jones has been working on the next biennium and remaining 2019 budget from
106 all agencies and contractors, keeping in mind these are estimates. Ashford asked what Cardno is.
107 Jones answered it is a full-service environmental consulting firm [contracted to DOGAMI] and Barney
108 & Worth (B&W) is a communications company. Janet Gillespie is part of the B&W portion and has
109 been working with DOGAMI for years. Tetra Tech is a geology and ground water specialist
110 subcontractor to Cardno.

111
112 New Exploration Permits – There are six primary drill hole site areas the company is interested in at
113 Wally-Wood. The targets seem to be similar to Grassy Mountain’s magnetometry analysis. The most
114 recent claim secured by Paramount is called Frost and is 12 miles west of Grassy.

115
116 Next Steps – Jones said the team has reviewed 21 of the Baseline Data Reports (BDR) and only
117 Geochemistry needs to be submitted. He said the Land Use application will be interesting to watch
118 through the press releases both the company and county do. July 1, 2019 is the expected date for
119 the application process to begin. BLM only has 1 year to complete their environmental impact
120 analysis and impact statement and they are trying to line it up with DOGAMI and doing joint work
121 together. Maffei asked if BLM is going straight to an EIS for their analysis. Jones responded yes.

122
123 Avy asked Jones to speak to the approach of collecting and completing all the BDRs to leverage the
124 timeline once they submit for permit application and the budgeting issue Calico has raised. Avy said,
125 Calico is questioning whether DOGAMI needed to have the BDRs at this time because if they would
126 have decided not to proceed, they would not have needed them. On the other hand, if the BDRs are
127 not ready and they do proceed, DOGAMI is unlikely to meet the 1-year timeline.

128
129 Jones stated there is a statutory requirement that BDRs need to be completed for documenting
130 existing conditions in the pre-application phase. These are then reviewed and, if consistent with
131 prior approvals, are accepted by the State [TRT] prior to a Consolidated Permit Application. The
132 methodologies need to be met. Jones explained the process for reviewing the disciplines. There are
133 23 reports that need to be completed and each one has about a 6-week review timeline. The
134 Consolidated Permit Application cannot be deemed complete without all the baseline data studies
135 being formally complete and approved. The State has only 90 days to determine if the application is
136 complete. Maffei emphasized there is no way on earth the Agency could have done 23 baseline data
137 studies between the time the application was received and the 90 days after when it is needs to be
138 deemed complete. Jones agreed, stating in the process there is no way the company could have
139 complied with the requirements in the work plan because they need to produce a year’s worth of
140 data for ground water quality, for example, and it does not include the review period and report
141 generation that comes after that.

142
143 Maffei asked if Calico is asking to hold on payment until after the application is received. Avy said
144 that is what the Agency is going back and forth on with Calico. Ashford asked if these are all
145 recoverable costs. Lloyd stated ORS 517.973.5 was the specific statute that discusses the cost
146 recovery fees that require payment from the applicant, there is also the cost recovery agreement
147 with the applicant. Jones pointed out that all the work has been completed based on the applicant
148 saying they are submitting an application, even though the dates keep getting pushed out. A lengthy
149 discussion took place. Jeremiah asked if the application can be held until the invoices have been
150 paid, or if the company walks away from the application process, can the Agency recover the costs.
151 Lloyd said the contracts that are in place provide sufficient means for the Agency to recover from the

152 company. Riddell said she read in statute the Agency does not have to give them a permit if they
153 have not paid. Ashford asked if there are other minerals they plan on mining other than gold and
154 silver. Jones replied he did not believe there was.

155
156 Briefing: **No Board Action Required.**

157
158 **6) MLRR Update:**

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

160
161 Lewis started out by handing out a preview of the April newsletter and asked them to focus on the
162 compliance corner.

163
164 Permit Status Summary

165 Lewis stated they are making progress on their efficiencies. She reviewed the detailed permit status
166 list, which includes applications received. The numbers listed for closed include sites holding Grants
167 of Total Exemption that are no longer active and were not replaced with an Exclusion Certificates.

168
169 Table 2 – Only one application has been received this quarter. Lewis explained the withdrawn status.

170
171 Table 3 – There are only four applications that are over a year old. Lewis said some of these are in
172 land use with the county and out of their control. She asked the Board for their permission to change
173 Table 3 to include additional information. Jeremiah encouraged the use of this information in the
174 pre-application meetings to give them a feel for what the process looks like and how long it can take.
175 Kozlowski said she was impressed that staff have been involved with completing these.

176
177 Lisa Reinhart, Water Quality Reclamationist, discussed the stormwater program administered by
178 DOGAMI. DOGAMI administers 165 – 1200-A permits which authorize the discharge of stormwater
179 from the mining facility, and 50 - WPCF 1000 permits which authorizes the disposal of process water
180 onsite. In the past year there have been 52 enforcement actions, most are Warning Letters with an
181 Opportunity to Correct and mostly for monitoring violations; 17 facilities were referred to DEQ for
182 formal enforcement action. There are 7 permit applications that MLRR cannot complete because
183 DEQ has not renewed the permits that expired in 2017. Reinhart said they are continuing to focus on
184 training, with the next one on Thursday. This is the third all-day training provided over the past 2
185 years. The facility holds 80 people max and is full, they have turned people away. She said really
186 good progress is being made with those attending the training. Reinhart stated the Memorandum of
187 Agreement (MOA) with DEQ states DOGAMI is supposed to inspect 20% of the permits per year and
188 she has inspected 25% with 48 inspections as of the other day.

189
190 Jeremiah asked about the number of inspections and Warning Letters. Reinhart explained she does
191 not issue a Warning Letter every inspection, the goal is not to. Most Warning Letters are issued for
192 failure to submit Discharge Monitoring Reports. Jeremiah asked if the 17 facilities reported to DEQ
193 are out of the 48 inspections. Reinhart replied some of them were, but some were from failure to
194 submit required reports. Reinhart discussed the 1200-A permit, requirements, and process. The
195 penalty for not submitting Discharge Monitoring Reports has been around a \$7,000-\$10,000.
196 John McKesson (public) asked if they could provide training throughout the state. Reinhart answered
197 they are limited where they can have these based on budget, but most permits are in the western
198 part of the state and Salem is a central location. Ashford said the training is fabulous and asked if

199 they are planning on doing training online or remotely. Jeremiah suggested working with OCAPA to
200 videotape them. Reinhart mentioned on a recent site visit she had a permittee record it to share
201 with others at the site.
202

203 Use of Civil Penalties

204 Lewis discussed one permittee they had thought about pursuing civil penalties on. She stated the
205 permittee walked through the door, admitted doing wrong and asked how to fix it, so they are not
206 going through the process for this one. Lewis walked the Board through the decision tree process,
207 created by Cari Buchner, to determine how to proceed with civil penalties for late fee payment for
208 those permittees who have not paid their permit renewal fees. This information will be going out
209 with the April newsletter. They are hoping to roll it out July 1, 2019 and anticipate there will be a list
210 they want approved to submit for civil penalties at the September Board meeting.
211

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

213

214 7) Public Comment:

215 Chair Maffei asked for public comment.
216

217 Comment of John McKesson: McKesson asked the Board to bring a meeting to Astoria. He said
218 trainings and outreach are important and would like to continue to see them happen, also the hazard
219 maps are great and would like to have training on them in the future. He wanted to hear more on
220 the Senate Bill regarding DOGAMI and Building Codes.
221

221

222 **Break**

223

224 8) Mt. Hood Fault Presentation:

225 Ian Madin, Senior Scientist and Earthquake Hazard Geologist for DOGAMI, gave a presentation based
226 on the publication "The Mount Hood Fault Zone – Late Quaternary and Holocene Fault Features
227 Newly Mapped with High-resolution Lidar Imagery".
228

228

229 Madin discussed the faults on Mount (Mt.) Hood, stating Eastern Oregon will not likely be
230 significantly impacted by a Cascadia Subduction Zone earthquake. Madin presented a map that
231 shows all the crustal faults found so far, which are the basis for the national seismic hazard maps. He
232 said due to the collection of high resolution lidar topographic data, the number of known active faults
233 in Oregon has dramatically increased.
234

234

235 Madin showed an illustration and described what a normal fault looks like. The block of crust that
236 sinks is called a graben, which is German for grave, and where the fault breaks the ground surface is
237 called a fault scarp. Madin explained that lidar removes the trees so it is easier to identify faults and
238 glacial remains. It also gives clues to age constraints of when the earthquake took place.
239

239

240 There are four distinct faults in the Mt. Hood fault zone that together extend 49 miles from North to
241 South. Although the faults were discovered in 2007, Madin's team has only been able to dig two
242 exploratory trenches on the Blue Ridge fault in 2010. The Gate Creek Fault is now being studied by
243 PSU and USGS. Madin stated the Twin Lakes fault and Multorpor Mountain Fault created a graben,
244 which he expects created Mt. Hood. Madin said a graben traps sediment and material that can be

245 dated. They tentatively dated the last earthquake on the Twin Lakes Fault at 3500 years ago. He
246 stated Frog Lake was formed by the damming of Frog Creek by multiple earthquakes. Charcoal from
247 lake sediments has been dated at 8243-8303 years BP, possible indicating another earthquake on the
248 twin Lakes Fault.

249
250 The Blue Ridge fault zone has had two exploratory excavated fault trenches done. Madin talked
251 about the process of reviewing the trenches while showing and discussing a colored map with trench
252 features. He reviewed a chart with the likely earthquake magnitudes for Mt. Hood Fault Zone
253 hazards, which showed the faults, length, slip, and magnitude. Madin said there is a lot of
254 uncertainty, but most are estimated at approximately 6.5 magnitude except Blue Ridge is 7.0, but if
255 the entire zone went at one time it was a 7.4 magnitude earthquake. Madin stated when you
256 measure your proximity to earthquakes for the perspective hazard that it is not how close you are to
257 the fault, it is how close you are to the hypocenter of the earthquake.

258
259 The White Branch fault zone is approximately 20,000 years old. The Strawberry Mountain and John
260 Day faults were discovered in January 2019 by accident. The Strawberry Mountain fault appears to
261 have been active as recently as a few centuries ago. Are there more, yes, almost every new lidar
262 project in the Cascades and Eastern Oregon reveals new faults. Madin believes it is time to
263 reevaluate the threat to Oregon communities.

264
265 Ashford asked Madin to describe the relationship between the fault scarps we see and the
266 earthquakes that caused them. Madin replied they only see a small segment of earthquake activity
267 because it has to be an earthquake that is big enough to break the ground's surface and large enough
268 to stumble over it. The size of the earth depends on the amount of the fault area that moves.
269 Kozlowski asked if the faults could potentially be a hazard for the areas. Madin replied absolutely.
270 Kozlowski asked if there is a plan to educate the residents. Madin said it is frustrating because they
271 cannot provide more details until it has been explored and verified. The USGS will not put the faults
272 in the seismic hazards maps unless there is a published trench study/publication showing the details.
273 Ashford mentioned ODOT retrofitting bridges in Eastern and Central Oregon based on some ground
274 shaking happening in those areas. Madin replied it was a triage exercise to find the route that could
275 most cheaply be fixed and that due to uncertainty there could be mild damage from a subduction
276 zone earthquake.

277
278 Briefing: **No Board Action Required.**

279
280 **9) Legislative Update:**

281 Bob Houston, Interim Legislative Coordinator, provided a Legislative update for DOGAMI.

282
283 Houston stated DOGAMI has two Senate Bills (SB). SB 46 has had a hearing and there are
284 stakeholder meetings with the committee administrator taking place to try and reach consensus. He
285 explained the Exclusion Certificate (EC) did not have a lower threshold, so an Exclusion Certificate is
286 currently required for operations excavating less than 5,000 cubic yards of material and captures
287 everything down to a shovel full. DOGAMI proposed to change that lower threshold to 1,000, but an
288 agreement amongst stakeholders has been reached stating it could be reduced to 500, with a caveat
289 of a public notification process upon receipt of an application. The onsite construction issue is
290 currently captured as surface mining law. If digging any structure like a home or just grading out the
291 property, an Exclusion Certificate would be needed if the activity is less than 5,000 cubic yards. An

292 Operating Permit would be needed if onsite construction activities are over 5,000 cubic yards.
293 Specific to this scenario, the current language says you can waive the reclamation plan because the
294 building of the building is the reclamation plan.
295

296 Houston said SB 45 proposes fee adjustments to the regulatory program. This is to ensure there are
297 funds for the program past 2023, and if not received, priorities would need to be assessed and staff
298 reductions may need to occur. The biggest increase is related to the base fee and brings parity
299 between similar permit actions across programs. Jeremiah asked a question on the costs regarding
300 stakeholder program revenue and budget information, what the timing is, and has that information
301 been able to be distributed or is it held up due to Riddell's absence and availability of information.
302 Houston said DOGAMI made a presentation at OCAPA's Annual Board meeting that included
303 expenditures and revenues from the program from 2013 and projecting forward. OCAPA has asked
304 for more detail in the expenditures and revenues to see where the money is going.
305

306 Houston explained Policy Option Package (POP) 090 came out of the Governor's Revised Budget
307 (GRB). It provides funds for evaluating vertical evacuation options for coastal schools and hospitals
308 within the Tsunami Inundation Zone; evaluates early warning sites, evacuation routes and plans, and
309 defensive wall structures. This POP is part of the Governor's resilience plan.
310

311 POP 101 provides funds for MLRR to add one field staff to help meet the regulatory responsibilities
312 for site inspections, which is KPM #4, and timely issuance of Operating Permits, which is KPM #5. It
313 also provides funds for one IT staff to modernize functions in support of an online ePermitting system
314 and a modernized database. These positions will be phased in at 18 months into the biennium and
315 fund the new ePermitting system in January of 2021. This POP is contingent on the passing of SB 45.
316

317 POP 102 provides funds for DOGAMI's lidar program. It supports the need for matching funds for
318 grants and coverage for smaller communities that cannot afford the lidar collection within their
319 areas. This would increase funds to provide comprehensive maps for those areas related to geologic
320 mapping and hazard mapping in support of KPM #1. Kozlowski asked if this was for statewide and if
321 there are areas that have not been mapped. Houston replied yes and said he can provide a map of
322 the areas that have lidar coverage and what still needs to be done.
323

324 Briefing: **No Board Action Required.**
325

326 **10) GS&S Update:**

327 Alyssa Pratt, acting GS&S Program Manager, provided an update on GS&S.
328

329 Pratt discussed the activity of the program. She said seven pre-proposals have been submitted to
330 FEMA, and one to NOAA for the National Tsunami Hazard Mitigation Program (NTHMP) program. A
331 final proposal was submitted to USGS for StateMap FY19.
332

333 Pratt said they are focused on twenty-three grants and projects with four of them being overbudget.
334 She stated three have gone through the Project Modification Process. Pratt discussed the review
335 process and template used, which is for overbudget projects listing what went wrong, improvements,
336 and what still needs to be done to meet deliverables. It is then determined by the Leadership Team
337 what can be done instead and how to proceed. Pratt said a committee has been established to do
338 process improvement, transparency, and focusing on standardizing reports for the PIs.

339
340 Pratt went through the timeline of when things started taking place in the Agency. She said a strict
341 procedure was setup for expenditure approvals by only Director Avy or CFO Riddell, but it was
342 recently relaxed to allow supervisor approval. They will be working with staff to find more efficient
343 ways and are expecting some process improvements to follow. Pratt mentioned one tool that a
344 current staff member uses to plan out their time for the next year, has now been shared with the rest
345 of the staff to use.

346
347 Pratt mentioned a new statewide HR system was rolled out recently causing duplicate work to be
348 completed. Kozlowski asked how they are staying on top of all these changes to keep them working.
349 Pratt explained some of the steps taken and said improvements have been happening. Kozlowski
350 asked about the new HR system. Pratt replied that some of the new changes include recruitments
351 and vacation requests, saying it is a definite learning curve.

352
353 Riddell brought up the fact that the timeline started for the rotational staff, without manager
354 experience, being forced to say no to staff, approving timesheets, and completing the new tasks. She
355 said they are doing an incredible job at a very difficult time.

356
357 Briefing: **No Board Action Required.**

358
359 **11) Director's Report:**

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

361
362 Business Office Staffing

363 Avy stated this has been a stressful time. The Agency does not have backup coverage like larger
364 agencies, and when this happened, it was difficult finding someone quickly to cover the CFO position
365 as there is not a good mechanism within the State system to bring in someone like that.
366 Rachel Melvin, from Board of Pharmacy (BOP), was loaned to DOGAMI for up to 4 days a week to
367 help get things caught up on the basic core tasks. Jeremiah asked if there is a way to triage and cover
368 the roles. Avy replied staff did step up and try to get things done. Maffei said it is not a problem the
369 Agency can fix but it appears to be a State level problem for small agencies. Avy said it is easier to
370 find someone who can handle the transactional details but not the higher-level financial budget
371 aspects.

372
373 Tsunami Line Letter

374 Avy handed out a copy of the letter sent to the Governor requesting a taskforce be established.
375 Mike Harryman has taken the lead and the workgroup had their first meeting, which began with
376 participants discussing the issue from their agency's perspective. There will be coastal
377 representatives added, but not sure who that will be at this time. Avy said there was fair
378 acknowledgment that this challenge is right for addressing and looking for some sort of answer.
379 Ashford said he has been hearing from the professional community and asked if the taskforce can
380 look at adding someone technical to the workgroup. Avy said he would pass the request along to
381 Mike Harryman.

382
383 Jeremiah asked if there was still ongoing conversation with the Coastal Caucus on the issue. Avy
384 stated he and Bob Houston provided an update to the Coastal Caucus about the letter and Houston

385 has been meeting with individual legislators as they have questions. Avy said their concerns are
386 regarding economics for the coastal communities, but they are happy with the direction DOGAMI has
387 taken with the letter to the Governor. Kozlowski said a lot of misinformation is out there and needs
388 to be clarified. Ashford said it appears the State is acknowledging this, and it is being addressed.
389

390 SEIU Representation

391 Avy stated the staff has completed the process for representation by SEIU. Sherry Carter said staff
392 sought out the option to be represented by SEIU and it became effective February 1, 2019.
393 Leadership will be meeting with the SEIU to discuss future working relationships, and contract details.
394 Ashford asked who is not represented by the union. Carter replied the Management/Leadership
395 Team, Lori Calarruda as the Executive Assistant supporting the Agency, and rotational
396 managers/supervisors while in their rotational positions. Ashford asked how that works for the
397 rotational staff. Carter clarified that rotational staff are represented but not allowed to participate in
398 voting during their rotational roles.
399

400 Leadership Rotations Update

401 Avy discussed the rotations and emphasized the incredible job performed by the supervisors during
402 this challenging environment. Ashford said he is happy with the idea of the rotations and that he has
403 adopted it himself in his workplace. Ashford said by keeping the projects under control until the end
404 of the biennium he thinks the Agency can do more work going forward.
405

406 DOGAMI Budget Hearing

407 Avy said the budget hearing is later this week and he, Sarah Lewis and Bob Houston will be
408 presenting.
409

410 McKesson said he was under the impression that State employees are not allowed to speak at public
411 hearings about political issues. Avy said any employee has the right to participate in a public hearing
412 as long as they identify when they are not representing the agency.
413

414 Briefing: **No Board Action Required.**
415

416 **12) Public Comment:**

417 Chair Maffei asked for public comment.
418

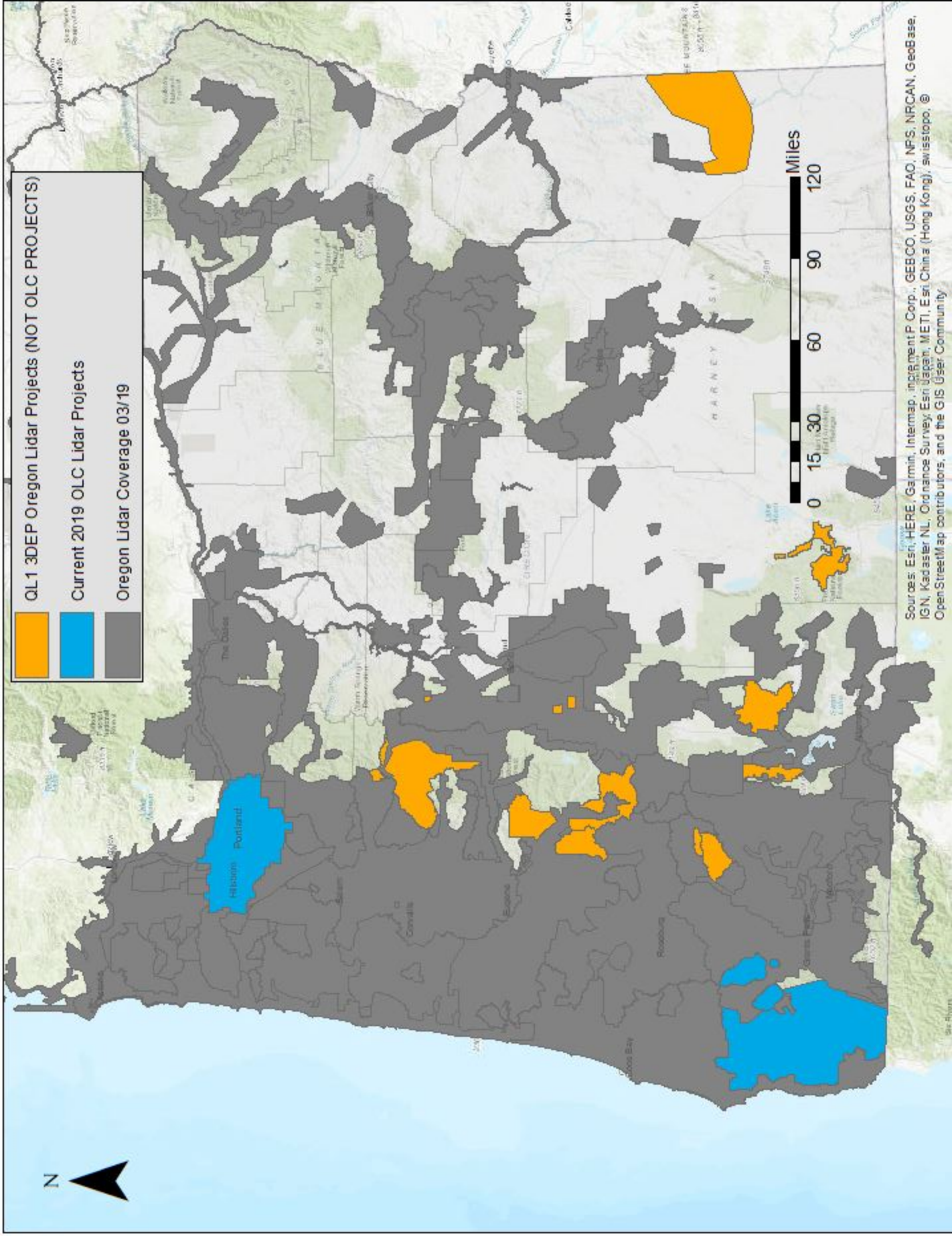
419 Comment of John McKesson: McKesson said the Agency needs to get out and talk to the public even
420 if budget is an issue.
421

422 **13) Board Adjourn:**

423 Chair Maffei adjourned the meeting at 12:10 p.m.
424

425 APPROVED
426
427
428

429 _____
429 Laura Maffei, Chair
430



- QL1 3DEP Oregon Lidar Projects (NOT OLC PROJECTS)
- Current 2019 OLC Lidar Projects
- Oregon Lidar Coverage 03/19

Miles
 0 15 30 60 90 120

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Bob Houston, Interim Legislative Coordinator

Date: June 28, 2019

Regarding: Agenda Item 4 – Legislative Update

Bob Houston, Interim Legislative Coordinator, will provide a Legislative Update for DOGAMI.

Proposed Board Action: The Board will not be asked to take an action on this item.

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Bob Houston, Interim Legislative Coordinator

Date: July 3, 2019

Regarding: Agenda Item 5 – Key Performance Measures (KPM) Annual Data Report Review

The department is measured on 6 Key Performance Measures (KPMs): 1) Hazard and Risk Assessment Completion; 2) Detailed Geologic Map Completion; 3) Lidar Data Completion; 4) Percent of mine sites inspections Biennially; 5) Customer Service; and 6) Governance.

The Key Performance Measures 3-4 have been completed and will be reviewed during the meeting.

Note: KPM 1 (Hazard and Risk Assessment Completion), KPM 2 (Detailed Geologic Map Completion), KPM 5 (Customer Service), and KPM 6 (Governance), an annual assessment by the Board based on a set of 15 best practice criteria, are scheduled to be completed at the next Governing Board meeting scheduled in the fall of 2019.

To expedite the review process, the Board may consider approval of completed KPMs 3-4.

Staff recommends approval of KPMs 3-4.

Proposed Board Action: The Board approves completed Key Performance Measures (KPMs) 3-4 of the Annual Progress Performance Report as presented/revised.

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Bob Houston, Interim Legislative Coordinator

Date: June 28, 2019

Regarding: Agenda Item 6 – Rule Writing

The Oregon Department of Administrative Services has updated the Statewide Policy on Public Records Request Fees and Charges (107-001-030; Attached: *DAS-statewide-policy-on-public-records-request.pdf*).

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.


Agencies must review and, if necessary, update their Public Records Request charging policies, practices and or administrative rules to comply with this Policy.

The Agency's service fees are specified in OAR 632-001-0010 (Attached: *OAR 632-001-0010_2019.pdf*). These service fee amounts were last updated in 1995.

In order to comply with the Statewide policy on Public Records Request fees and charges, the Agency will need to implement rulemaking.

Staff recommends initiating formal rulemaking process to amend OAR 632-001-0010 – Service Fees and adopt by reference the current version of the Statewide Policy (107-001-030) on Public Records Request Fees and Charges dated February 15, 2017.

Proposed Board Action: The Board will be asked to take an action on this item.

 STATEWIDE POLICY	NUMBER 107-001-030	SUPERSEDES
	EFFECTIVE DATE February 15, 2017	PAGE NUMBER Pages 1 of 2
DIVISION Office of the Chief Operating Officer	REFERENCE/AUTHORITY Executive Order 16-06	
POLICY OWNER Department of Administrative Services		
SUBJECT Public Records Requests Fees and Charges	APPROVED SIGNATURE Katy Coba, Director/Chief Operating Officer <i>(signature on file with DAS Business Services)</i>	

PURPOSE

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 providing a standard process for state agency use when evaluating requests to reduce or waive fees assessed for fulfilling a request.

Agencies must review and, if necessary, update their Public Records Request charging policies, practices and or administrative rules to comply with this Policy.

APPLICABILITY

This Policy applies to all agencies within the Executive Department, as defined in ORS 174.112, excluding the following:

- Secretary of State
- State Treasurer
- The Attorney General, but only with respect to its authority under ORS 182.124 over information systems security in the Department of Justice
- Oregon State Lottery
- State Board of Higher Education or any public university listed in ORS 352.002

The requirements in this Policy do not supersede, modify or replace the existing legal responsibilities of any state agency. Agencies must continue to meet obligations required by all applicable laws, policies, procedures and standards including without limitation: state and Federal public records laws, privacy laws and regulations, and applicable DAS policies and procedures.

EXCLUSIONS

Other than the excluded organizations listed above in the **APPLICABILITY** section of this Policy, there are no other exclusions.

EXHIBITS

- **EXHIBIT A:** Statewide Standardized Fee-Structure Process Document
- **EXHIBIT B:** Statewide Standardized Fee-Schedule
- **EXHIBIT C:** Public Interest Threshold Evaluation Form (Fee-Waiver or –Reduction Request)
- **EXHIBIT D:** Statewide Reduced Fee-Schedule

SPECIAL SITUATIONS

This fee-structure does not apply to agency-specific records with established pre-set price per record (e.g., vital records, licenses, police reports; DMV motor-carrier fees, etc.) or fees assessed for notarized/certified copies of public records.

COMPLIANCE

Agencies subject to this Policy must develop and implement internal processes and procedures that support compliance, deter abuse and detect violations.

Agencies may submit a written request for assistance within 90 days of the effective date of this Policy if implementation of this Policy causes undue financial hardship or over-burdensome workloads for agency staff. The request should specify: the policy section(s) and implicated requirements making implementation over-burdensome; and the type of assistance necessary for the agency to achieve compliance.

Exhibit A: Statewide Standardized Fee-Structure Process Document

Process

PUBLIC RECORDS REQUEST RECEIVED

Agencies shall waive 30-minutes of staff time (at a minimum).

An agency may deny eligibility for the 30-minute waiver if abuse by the requester is determined to exist either by:
1) Fragmenting a request that if taken in the aggregate would amount to significantly more than 30 minutes; or
2) Submitting multiple small requests in a short time-frame causing an undue burden on the agency.

FEE-WAIVER/REDUCTION REQUEST RECEIVED

Waiver Eligibility Determined

Agencies are statutorily required to consider and grant reasonable requests to waive and/or reduce fees associated with fulfilling a public records request when doing so is in the public interest because providing access primarily benefits the general public.

Public Interest Threshold Criteria Applied

See attached Public Interest Threshold Criteria Evaluation Form.

Public Interest Threshold Met

Public Interest Threshold Not Met

Full Waiver
All fees waived.

Partial Waiver
Reduced fee-schedule applied for any fees not covered by waiver.

Reduced Fee-schedule
No waiver available.

Standard Fee-schedule

Required Agency Communication w/ Requester:

- Notify requester of initial cost-estimate.
- Seek approval, prior to initiating work to fulfill a Public Records Request, if total costs estimated are > \$25.
- Work with requester to refine the scope of their request or otherwise reduce out-of-pocket cost when initial cost-estimate > \$250.

Exhibit B: Statewide Standardized Fee-Schedule

Standard Fee-Schedule

Agencies shall waive a minimum of 30 minutes of staff time for all Public Records Requests after which fees may be assessed for additional staff time, applicable services and supplies required to fulfill a Public Records Request in accordance with the applicable fee-schedule below.

The hourly rate charged for additional staff time will be based on the level of skill or expertise required to complete the work performed. Meaning, if work done to fulfill a request requires clerical-level skills, agencies may only charge the clerical hourly rate time spent on that portion of the work (as a maximum), even if a managerial-level or professional-level employee actually fulfills the request on behalf of the agency.

Agencies will not charge for staff time spent witnessing records inspection when the estimated cost of making public records available for inspection is:

- less than the cost of providing the requestor with a copy of the public record; or
- insignificant (requested public records are readily accessible and do not require review, redaction or segregation).

Fees will be charged for staff time required to redact exempt information from requested public records prior to release.

Staff time

Fees for staff time required to fulfill a Public Records Request shall not exceed:

- **\$25/hour for Clerical** (administrative, office specialists, other support staff)
- **\$40/hour for Managerial** (Program managers, PIOs)
- **\$75/hour for Professional** (IT, HR, High-level Analyst)
- **DOJ, special attorney and other applicable legal fees:** at the actual hourly rate charged for Public Records Request-related services. Fees are subject to statutory limitations described in [ORS 192.440\(4\)\(b\)](#).

Production of Responsive Records

Fees generated by providing paper or electronic copies to requesters:

- **Copies:** Based on current state printing and distribution price list.
- **Media:** Based on statewide price-agreement with OfficeMax.
- **Postage:** Based on current postal rates.

Additional Cost Considerations

Miscellaneous fees related to production and release of responsive records:

- Expedited Archive retrieval
- Costs of software companies/contracts (as needed to manage the volume of request)
- Other 3rd party costs (in extreme circumstances)

***This fee-structure does not apply to agency-specific records with established pre-set price per record (e.g. vital records, licenses, police reports; DMV motor-carrier fees, etc.) or fees assessed for notarized/certified copies of public records.**

Exhibit C: Public Interest Fee-Waiver or -Reduction Request

Public Interest Threshold Evaluation Form

HOW TO USE THIS FORM:

Agencies are statutorily required to consider and grant reasonable requests to waive and/or reduce fees associated with fulfilling a public records request when doing so is in the public interest because providing access primarily benefits the general public.

The Public Interest Threshold Evaluation provides agencies with standardized criteria to use when evaluating a request for a fee-reduction/waiver submitted by a public records requestor under ORS 192.440(5). Agencies shall consider each factor to determine whether the public interest in disclosure of the requested records warrants granting a fee-reduction/waiver.

All requests for a Public Interest Fee-Waiver or -Reduction will be evaluated on a case-by-case basis using information provided by the requestor as well as information independently available to the agency.

ADDITIONAL GUIDANCE:

- To adequately balance the State's obligation to be transparent and accessible with the obligation to prudently safeguard public funds and resources, fee-waivers and -reductions should be granted when the statutory standard has been met – when disclosure will primarily benefit the general public.
- A request to waive or reduce fees related to a public records request, that requires substantial agency resources to complete, may be denied if the interest of the general public would be better served by preserving agency resources.
- The public interest is not a fixed concept and the balance of public interest may change over time. It may shift as information becomes older or in the light of issues of the day. The circumstances at the time of the request will be considered.
- A genuine public interest in the subject matter of a request is required as the basis for granting a waiver. The public interest is not necessarily the same as what interests the public. The fact that a topic has been discussed in the media does not automatically mean that there is a public interest in disclosing the information that has been requested about it.
- This standardized fee-structure does not supersede, modify or replace the existing legal responsibilities of any state agency. Agencies must continue to meet obligations required by applicable laws, policies, procedures and standards including without limitation: State and Federal public records laws, privacy laws and regulations and fees for certain public records as defined in statute.

Note:

Requests for fee-reduction or waiver will be evaluated on a case-by-case basis based on:

- **The information provided by the requester; and**
- **The totality of circumstances at the time of the request.**

Previous requests and evaluations will not be considered as part of the evaluation.

Exhibit C: Public Interest Fee-Waiver or -Reduction Request

Public Interest Threshold Evaluation Form

Date of Request: _____

Name of Requestor: _____

Requested Record(s): _____

PUBLIC INTEREST THRESHOLD CRITERIA

Public Interest Threshold Criteria Evaluation

Agencies shall consider the criteria below to determine whether waiving or reducing the costs associated with fulfilling a public records request would serve the public interest by primarily benefiting the general public.

Public Interest:

- | | | |
|---|---------------------------------|--------------------------------|
| 1. Would disclosure of the requested information, directly impact, affect, or serve an identified interest of the general public? | YES
<input type="checkbox"/> | NO
<input type="checkbox"/> |
| 2. Would the requested information, advance the welfare or well-being of the general public? | YES
<input type="checkbox"/> | NO
<input type="checkbox"/> |
| 3. Will the requester be able to actually, meaningfully disseminate the requested information? | YES
<input type="checkbox"/> | NO
<input type="checkbox"/> |

Private or Commercial Interest:

- | | | |
|--|---------------------------------|--------------------------------|
| 4. Is the public benefit greater than the individual benefit derived from disclosure? | YES
<input type="checkbox"/> | NO
<input type="checkbox"/> |
| 5. Is there a specifically identified purpose for which the public records are being sought that is wholly unrelated to 1) commercial purposes; or 2) actual or possible use in connection with administrative, judicial or legal proceedings? | YES
<input type="checkbox"/> | NO
<input type="checkbox"/> |

Reasonableness:

- | | | |
|--|---------------------------------|--------------------------------|
| 6. Is the request targeted at a specifically identified matter (meaning, not overly-broad or -complex)? | YES
<input type="checkbox"/> | NO
<input type="checkbox"/> |
| 7. Can the agency grant a waiver or reduce fees without causing an unreasonable burden on agency resources? | YES
<input type="checkbox"/> | NO
<input type="checkbox"/> |
| 8. Is the public interest served by disclosure greater than the burden to the agency (amount of staff time diverted to fulfilling a request and costs of subsidization)? | YES
<input type="checkbox"/> | NO
<input type="checkbox"/> |

Determination/Decision:

Employee Name (Print)

Signature

Date

A yes or no determination regarding a single criterion or for majority of the criteria does not guarantee the granting of a fee-reduction or waiver. Each request will be considered on a case-by-case basis, based on the information provided by the requester and the totality of the circumstances at the time of the request.

Exhibit C: Public Interest Fee-Waiver or -Reduction Request

Public Interest Threshold Evaluation Form

Reduced Fee-Schedule

Agencies shall waive a minimum of 30 minutes of staff time for all public records requests after which fees may be assessed for additional staff time, applicable services and supplies required to fulfill a Public Records Request in accordance with the applicable fee-schedule below.

The hourly rate charged for additional staff time will be based on the level of skill or expertise required to complete the work performed. Meaning, if work done to fulfill a request requires clerical-level skills, agencies may only charge the clerical hourly rate time spent on that portion of the work (as a maximum), even if a managerial-level or professional-level employee actually fulfills the request on behalf of the agency.

Agencies will not charge for staff time spent witnessing records inspection when the estimated cost of making public records available for inspection is:

- less than the cost of providing the requestor with a copy of the public record; or
- insignificant (requested public records are readily accessible and do not require review, redaction or segregation).

Fees will be charged for staff time required to redact exempt information from requested public records prior to release.

Staff time

Fees for staff time required to fulfill a PRR shall not exceed:

- **\$20/hour for Clerical** (administrative, office specialists, other support staff)
- **\$32/hour for Managerial** (Program managers, PIOs)
- **\$60/hour for Professional** (IT, HR, High-level Analyst)
- **\$75/hour for DOJ, special attorney and other applicable legal fees.**

Production of Responsive Records

Fees generated by providing paper or electronic copies to requesters:

- **Copies:** Based on current state printing and distribution price list.
- **Media:** Based on statewide price-agreement with OfficeMax.
- **Postage:** Based on current postal rates.

Additional Cost Considerations

No additional cost considerations will be included in the invoiced amount passed on to the requester under this reduced fee structure.

***This fee-structure does not apply to agency-specific records with established pre-set price per record (e.g. vital records, licenses, police reports; DMV motor-carrier fees, etc.) or fees assessed for notarized/certified copies of public records.**

Exhibit D: Statewide Reduced Fee-Schedule

Reduced Fee-Schedule

Agencies shall waive a minimum of 30 minutes of staff time for all Public Records Requests after which fees may be assessed for additional staff time, applicable services and supplies required to fulfill a Public Records Request in accordance with the applicable fee-schedule below.

The hourly rate charged for additional staff time will be based on the level of skill or expertise required to complete the work performed. Meaning, if work done to fulfill a request requires clerical-level skills, agencies may only charge the clerical hourly rate time spent on that portion of the work (as a maximum), even if a managerial-level or professional-level employee actually fulfills the request on behalf of the agency.

Agencies will not charge for staff time spent witnessing records inspection when the estimated cost of making public records available for inspection is:

- less than the cost of providing the requestor with a copy of the public record; or
- insignificant (requested public records are readily accessible and do not require review, redaction or segregation).

Fees will be charged for staff time required to redact exempt information from requested public records prior to release.

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- **\$75/hour for DOJ, special attorney and other applicable legal fees.**

Production of Responsive Records

Fees generated by providing paper or electronic copies to requesters:

- **Copies:** Based on current state printing and distribution price list.
- **Media:** Based on statewide price-agreement with OfficeMax.
- **Postage:** Based on current postal rates.

Additional Cost Considerations

No additional cost considerations will be included in the invoiced amount passed on to the requester under this reduced fee structure.

***This fee-structure does not apply to agency-specific records with established pre-set price per record (e.g. vital records, licenses, police reports; DMV motor-carrier fees, etc.) or fees assessed for notarized/certified copies of public records.**

632-001-0010 Link: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=162979>

Department of Geology and Mineral Industries

Chapter 632

Division 1

PROCEDURAL RULES

632-001-0010

Service Fees

- (1) Copying of available files, records, reports, or other departmental documents for the public will be charged for at the minimum rate of \$.15 per page with a minimum charge of \$1.
- (2) Labor performed at the request of the public in copying, searching records or other service functions will be charged for at rates of at least \$20 per hour per person at the discretion of the appropriate supervisor.
- (3) Copying of available data, records, or publications electronically for the public will be charged at the minimum rate of \$10 per disk copied, or as otherwise priced, based upon staff time involved.
- (4) Reproduction on agency equipment by agency personnel of library Open-File Reports or maps from a disk or digital format will carry a minimum charge of \$50 to recover costs.
- (5) The department may assess a charge based on the actual cost of labor and materials if the department determines that actual costs are significantly greater than the minimum charges or rates established by this rule.
- (6) Fee reductions or waivers may be granted as provided in ORS 192.404(4).

Statutory/Other Authority: ORS 517

Statutes/Other Implemented: ORS 516.090

History:

GMI 2-1995, f. & cert. ef. 3-10-95

GMI 3-1985, f. & ef. 11-20-85

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board
From: Sherry Carter, DAS Client Agency Human Resources Business Partner
Date: June 28, 2019

Regarding: Agenda Item 7 – Review New Process of Evaluation for Director

Sherry Carter, DAS Client Agency Human Resources Business Partner, will review a new process for the Director’s Performance Evaluation that will be held at the next Board meeting, currently scheduled for Friday, September 20, 2019.

Proposed Board Action: The Board may be asked to take an action on this item.

Department of Geology and Mineral Industries

Executive Director Performance Evaluation

Good Morning,

We are gathering input to develop the 2018 performance evaluation for the Executive Director of the **Department of Geology and Mineral Industries**, Brad Avy. In addition, we will use your feedback to assist in establishing goals and performance objectives for the upcoming year. Please complete by XXX as your candid feedback is highly valued.

All responses will be held in the strictest of confidence. Thank you for your participation.

[Please click here to provide your feedback.](#)

-
- This email was sent to: [EMAIL ADDRESS].
 - If the above link does not work, copy and paste the following URL into your web browser:[SURVEY URL]

From Name: Laura Maffei, Chairman and Sherry Carter, Human Resource Manager

From Email: sherry.carter@oregon.gov

Reply To Email: sherry.carter@oregon.gov

Department of Geology and Mineral Industries

Annual Executive Director Performance Evaluation Procedure

1.0 Purpose

1.1 The purpose of this procedure is to outline the data collection, data compilation, and administration of the Executive Director Performance Evaluation.

2.0 Scope

2.1 This procedure applies to the DOGAMI staff, DOGAMI Board Members, other identified evaluation contributors, and DAS Client Agency Human Resources Business Partner.

3.0 Responsibility

3.1 The DOGAMI President shall supervise this procedure.

3.2 All invited contributors are encouraged to participate in the evaluation process.

3.3 The Client Agency Human Resource Business Partner shall assist in data collection and updating the DOGAMI with state updates and trends.

4.0 References

4.1 Survey Questions

5.0 Definitions

5.1 DAS- Department of Administrative Services

5.2 DOGAMI- Department of Geology and Mineral Industries

6.0 Frequency

6.1 Annually, with administration of finalized evaluation completed at June board meeting

7.0 Equipment and Supplies

7.1 MaritzCX platform or current survey gathering software utilized by DAS

7.2 Email

7.3 Evaluation contributor e-mail list

8.0 General Information

8.1 The Executive Director Performance Evaluation should provide a 360 degree view of performance with the intent to solidify positive trends and identify trends for performance improvement.

9.0 Procedure

9.1 Identify Evaluation Contributors' Email Addresses

9.1.1 Includes peers, employees, business partners. Examples to consider include:

9.1.1.1 Board members

9.1.1.2 DOGAMI staff

9.1.1.3 Business partners, such as HR

9.1.1.4 Shared service providers, such as payroll, facilities

9.1.1.5 Industry Stakeholders

9.2 Edit/Update Survey Questions

9.2.1 DOGAMI president shall work with Client Agency Human Resources Business Partner to identify new trends in survey questions annually.

9.2.1.1 For example, a recent change/addition was including questions about affirmative action, as this is a priority of the state.

9.2.2 DOGAMI president shall verify questions with DOGAMI board members to ensure appropriate and timely questions are administered.

9.3 Distribute Survey Questions to Evaluation Contributors

Department of Geology and Mineral Industries
Annual Executive Director Performance Evaluation Procedure

- 9.3.1 Client Agency Human Resources Business Partner shall send survey via e-mail to identified evaluation contributors.
- 9.4 Compile Data For Evaluation Rough Draft
 - 9.4.1 Client Agency Human Resources Business Partner shall compile data into a summary and provide to DOGAMI President and individual board members.
 - 9.4.2 DOGAMI President and second board member shall create an evaluation rough draft.
 - 9.4.3 DOGAMI President and second board member shall present rough draft to board members via e-mail prior to June board meeting.
- 9.5 Finalize Evaluation
 - 9.5.1 Board members shall use the rough draft to edit during June board meeting to create a final draft.
- 9.6 Administer Evaluation
 - 9.6.1 Board members shall administer the finalized evaluation to the executive director in executive session during the June board meeting.
 - 9.6.2 Upon receipt of appropriate signatures, the finalized evaluation will be routed to DAS to be maintained in the official personnel file.

Agency Name: Department of Geology and Mineral Industries
Executive Director Performance Evaluation
Employee Name: Brad Avy
Calendar Year: 2018

Overall Rating for Executive Director - XXX

RATING AREA	RATING
1. Employee can establish goals aligned with agency priorities, creates a climate that motivates employees to perform, ensures work product accountability is established and work output is accomplished by those responsible.	
COMMENTS:	
2. Employee can plan, organize and problem-solve to achieve desired results and meet goals. Makes decisions and takes responsibility for them.	
COMMENTS:	
3. Employee accurately predicts and forecasts future needs and prepares strategies on how to deal with them.	
COMMENTS:	
4. Employee creates an environment to manage change and takes appropriate calculated risks.	
COMMENTS:	
5. Employee keeps appropriate people informed, clearly expresses ideas and information verbally and in writing, effectively leads groups to consensus, works well with others to accomplish team objectives, identifies situations needing persuasion/negotiation and effectively reaches conclusions, actively listens.	
COMMENTS:	
6. Employee actively ensures the organization is moving toward the achievement of performance management and performance standards.	
COMMENTS:	
7. Employee coaches and mentors staff to develop and improve the performance of staff.	
COMMENTS:	
8. Employee demonstrates ability to successfully navigate and operate in a highly visible and contentious environment, responds to multiple constituents who have disparate interests and conflicting agendas, provides liaison between groups.	

Agency Name: Department of Geology and Mineral Industries

Executive Director Performance Evaluation

Employee Name: Brad Avy

Calendar Year: 2018

COMMENTS:	
9. Employee demonstrates effective judgement, professionalism, responsiveness, creativity, decisiveness, initiative and political awareness.	
COMMENTS:	
10. Employee recognizes need for policy change or establishment and effectively develops policies, procedures and controls necessary to carry out mission and goals of the Board.	
COMMENTS:	
11. Employee recognizes the need for a diverse workforce and supports ongoing affirmative action efforts both within the Agency as well as externally. This is represented in hiring decisions and contract selections as qualified candidates are evaluated as well as other outreach to the staff and Board.	
COMMENTS:	
GENERAL COMMENTS	
GOALS FOR NEXT RATING PERIOD	

XXX, Executive Director

Date

XXX, Board Chair

Date

Executive Director Evaluation Contributor List

Category	Title	Name
Board Members	Public Member	Christine Chute
	Technician Member	Cyndi Vipperman, CPhT
	Technician Member	Dianne Armstrong, CPhT
	Pharmacist Member	Kate James, RPh
	Pharmacist Member	Ken Wells, RPh
	Pharmacist Member	Penny Reher, RPh
	Pharmacist Member	Rachael DeBarmore, RPh
	Pharmacist Member	Roberto Linares, RPh
Board Staff	Pharmacy Inspector	Katie Baldwin
	Chief Investigator	Joseph Ball
	Compliance Director	Brianne Efrehoff
	Pharmacy Inspector	Laura Elvers
	Pharmacy Inspector	Cheryl Fox
	Compliance Secretary	Annette Gearhart
	Pharmacy Inspector	Jane Gin
	Management Secretary	Loretta Glenn
	Licensing Rep	Kim Hartley-Arambula
	Lic. Program Supervisor	Chrisy Hennigan
	Licensing Representative	Jennifer Hummel
	Licensing Representative	Michael Hunt
	Pharmacist Consultant	Fiona Karbowicz
	Project Manager	Mo Klein
	Administrative Director	Karen MacLean
	Executive Support Specialist	Rachel Melvin
	Pharmacy Inspector	Brian Murch
	Compliance Assistant	Kim Oster
Licensing Representative	Rene Sanders	
Licensing Representative	Arinda Wong	
Business Partners	Sr. Assistant Attorney General	Thomas Cowan
	Client Agency Human Resources Business Partner	Sherry Carter
Executive Directors	Executive Director of Dentistry	Stephen Prisby
	Executive Director of Medical	Kathleen Haley
	Executive Director of Veterinary	Lori Makinen
	Executive Director of Nursing	Ruby Jason
Governer's Offices	Health Care Policy Advisor	Jeremy VanDehey
	Deputy Health Care Policy Advisor	Victoria Demchak
	DAS CFO - Budget Analyst	Anthony Medina
	Appointee?	
Organization Heads	Executive Director of NABP	Carmen Catizone
	OSPA President	Kevin Russell
	OSHP President	Zach McCall
Education	Dean of Pacific COP	Reza Karimigevari
	Dean of OSU COP	Marc Zabriskie

Category	Title	Name
Legislative	Representative	Rep. Mitch Greenlick
	Representative	Rep. Knute Buhler
	Senator	Sen. Laurie Monnes Anderson
	Senator	Sen. Elizabeth Steiner Hayward

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Dania Ballard, Chief Financial Officer

Date: July 3, 2019

Regarding: Agenda Item 8 – Financial Report

Attached is the DOGAMI Budget Status Report, as of May 31, 2019 for the Geological Survey and Services (GS&S) Program and the Mineral Land Regulation & Reclamation (MLRR) Program.

Proposed Board Action: The Budget Status Report be Approved/Not Approved as presented.



Agenda Memo

TO: Board of Directors
FROM: Dania Ballard, Chief Financial Officer
DATE: July 1, 2019
SUBJECT: Financial Operations and Reporting

Fiscal Year 19 End/New Biennium

Fiscal year (FY) 2019 ended June 30, 2019. Due to end-of-biennium cashflow issues for program operations, legislative approval was required to fulfill FY19 business needs.

- Geological Survey and Services (GS&S): Additional \$650,000 General Funds
- Mined Land Regulation and Reclamation (MLRR): \$400,000 Expenditure Limitation Increase.

The GS&S budget required \$650,000 additional general funding (GF) to meet overall operational needs due to various factors including project costs exceeding budget. Reimbursable expenses related to the Grassy Mountain chemical gold mine pre-permitting process were greater than forecasted in the FY18-19 budget requiring an increased \$400,000 spending authority limit for the MLRR program.

Given the late biennium GF shortfall realization and need, the legislative sub-committee considered DOGAMI financial oversight and long-term agency viability. Due to these concerns, a one-year budget was approved with the following requirements.

- Financial Reporting
 - Monthly financial reporting to Department of Administrative Services (DAS) and the Legislative Fiscal Office. This reporting includes monthly status of budget to actual and projections, projects, and grants.
- Strategic Plan
 - A strategic plan for DOGAMI, prepared by the Governor's Office/DAS evaluating long-term viability and structure. This will be considered in the FY20 legislative session.
- Staffing Adjustments
 - GS&S: Elimination of three (3) Natural Resource positions two (2) vacant positions (Public Affairs and Natural Resource).

- Business Office: Addition of two (2) positions (Grants Accountant and Contract Specialist). Also, reclassification of a Fiscal Analyst to a higher responsibility level.

These adjustments are directed to realign funding to support grant and contract oversight to eliminate project overspending.

- MLRR: Fee Increase Proposal
 - Proposal at the FY20 legislative session based on an evaluation of projected revenue/expenses and appropriate cost recovery.

Business Office Activities

Biennium financial close activity has commenced. Due to the fiscal analyst position vacating, DAS Accounting Office is assisting with general accounting processing. Jack Kenny is providing temporary assistance to address legislative fiscal analysis/communications, grant reporting, and other financial needs supporting of fiscal operations.

Activities supportive of financial reporting requirements are being aligned. The Director and CFO will meet weekly to discuss project status recognizing areas of concern that will prompt a meeting with project managers to remedy. Additional financial processes are being reviewed to determine other areas that may require greater monitoring or process improvement. Dependent on collective bargaining language and human resource policy, layoffs may extend early into FY20 affecting ability to recruit Business Office staff until completed. Temporary assistance will be used to meet requirements until recruitment can occur.

Board Expectations

Business Office staff turnover and new legislative-directed requirements prompts the opportunity to assess DOGAMI Board communication needs. DOGAMI would like to ask the Board for guidance on what information would be beneficial to support their role.

ATTACHMENTS:

DOGAMI Financial Report

Department of Geology & Mineral Industries
Budget Status Report: As of May 31, 2019

% of Time Spent
96%

Mineral Land Regulation & Reclamation (MLRR) Program

Budget Category / Line Item	2017-19 Budget by Funding Source			2017-19 Actual Revenue & Expenditures			Actual Budget Spent			2017-19 Projected Revenue & Expenditures			2017-19 Actual + Projected Revenue & Expenditures			Actual + Projected Budget Total				
	General Funds	Other Funds	Federal Funds	All Funds	General Funds	Other Funds	Federal Funds	All Funds	GF	OF	FF	All Funds	General Funds	Other Funds	Federal Funds	All Funds	GF	OF	FF	All Funds
Revenue																				
Beginning Balance	-	370,374	-	370,374	-	443,934	-	443,934	-	-	-	-	-	-	-	-	-	-	-	443,934
2017-19 Revenue	-	3,383,296	-	3,383,296	-	3,587,790	-	3,587,790	-	187,308	-	187,308	-	187,308	-	187,308	-	3,775,098	-	3,775,098
Total Available Revenue	-	3,753,670	-	3,753,670	-	4,031,724	-	4,031,724	0%	107%	0%	107%	-	187,308	-	187,308	0%	112%	0%	112%
Expenditures:																				
<i>Personnel Services</i>	-	2,454,679	-	2,454,679	-	2,097,657	-	2,097,657	0%	85%	0%	85%	-	358,201	-	358,201	-	2,455,858	-	2,455,858
<i>Services & Supplies</i>																				
Instate Travel	-	62,331	-	62,331	-	45,244	-	45,244	-	2,800	-	2,800	-	2,800	-	2,800	-	48,045	-	48,045
Out of State Travel	-	-	-	-	-	4,412	-	4,412	-	-	-	-	-	-	-	-	-	4,412	-	4,412
Employee Training	-	69	-	69	-	11,884	-	11,884	-	2,000	-	2,000	-	2,000	-	2,000	-	13,884	-	13,884
Office Expenses	-	30,362	-	30,362	-	22,808	-	22,808	-	190	-	190	-	190	-	190	-	22,998	-	22,998
Telecomm	-	81,090	-	81,090	-	18,952	-	18,952	-	8,748	-	8,748	-	8,748	-	8,748	-	27,700	-	27,700
State Gov't Svc Chg	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Data Processing	-	76,055	-	76,055	-	25,008	-	25,008	-	26,318	-	26,318	-	26,318	-	26,318	-	51,326	-	51,326
Publicity & Publications	-	3,585	-	3,585	-	1,143	-	1,143	-	429	-	429	-	429	-	429	-	1,571	-	1,571
Professional Services	-	335,049	-	335,049	-	363,657	-	363,657	-	88,322	-	88,322	-	88,322	-	88,322	-	451,979	-	451,979
IT Professional Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Attorney General	-	139,746	-	139,746	-	137,122	-	137,122	-	41,511	-	41,511	-	41,511	-	41,511	-	178,633	-	178,633
Employee Recruitment	-	5	-	5	-	8,248	-	8,248	-	1,000	-	1,000	-	1,000	-	1,000	-	9,248	-	9,248
Dues & Subscriptions	-	596	-	596	-	640	-	640	-	20	-	20	-	20	-	20	-	660	-	660
Facilities Rent	-	76,801	-	76,801	-	68,167	-	68,167	-	6,312	-	6,312	-	6,312	-	6,312	-	74,479	-	74,479
Fuels & Utilities	-	11,022	-	11,022	-	11,573	-	11,573	-	1,571	-	1,571	-	1,571	-	1,571	-	13,144	-	13,144
Facilities Maintenance	-	10,987	-	10,987	-	9,517	-	9,517	-	750	-	750	-	750	-	750	-	10,267	-	10,267
Medical Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Agency Related S & S	-	-	-	-	-	29,455	-	29,455	-	-	-	-	-	-	-	-	-	29,455	-	29,455
Intra agency Charges	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Services & Supplies	-	32,773	-	32,773	-	1,698	-	1,698	-	589	-	589	-	589	-	589	-	2,287	-	2,287
Undistributed (S&S)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Expendable Prop (\$250-\$500)	-	4,652	-	4,652	-	9,055	-	9,055	-	-	-	-	-	-	-	-	-	9,055	-	9,055
IT Expendable Property	-	6,546	-	6,546	-	16,457	-	16,457	-	-	-	-	-	-	-	-	-	16,457	-	16,457
Technical Equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Data Processing Hardware	-	18,282	-	18,282	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Data Processing Hardware	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Capital Outlay	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Indirect	-	-	-	-	-	260,402	-	260,402	-	74,315	-	74,315	-	74,315	-	74,315	-	334,718	-	334,718
<i>Total Services & Supplies</i>	-	889,951	-	889,951	-	1,045,442	-	1,045,442	0%	117%	0%	117%	-	254,877	-	254,877	-	1,300,319	-	1,300,319
Total Expenditures	-	3,344,630	-	3,344,630	-	3,143,099	-	3,143,099	0%	94%	0%	94%	-	613,077	-	613,077	-	3,756,177	-	3,756,177
MLRR Ending Balance	\$ -	\$ 409,040	\$ -	\$ 409,040	\$ -	\$ 888,625	\$ -	\$ 888,625	\$ -	\$ (425,769)	\$ -	\$ (425,769)	\$ -	\$ (425,769)	\$ -	\$ (425,769)	\$ -	\$ 462,855	\$ -	\$ 462,855

Reclamation Guarantee Fund	
Beginning 2017-19:	
47 Cash Security's	448,123
4 Security releases	(38,360)
14 New Securities	219,179
Biennium to date:	
51 Cash Security's	\$ 628,942

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Randy Jones, DEQ Regional Solutions Liaison

Date: June 28, 2019

Regarding: Agenda Item 10 – Grassy Mountain Update

DEQ Regional Solutions Liaison Randy Jones will provide an update on Grassy Mountain.

Proposed Board Action: The Board will not be asked to take an action on this item.

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Sarah Lewis, MLRR Program Manager

Date: June 28, 2019

Regarding: Agenda Item 11 - MLRR Update

Sarah Lewis, MLRR Program Manager, will provide an update on MLRR and report on the following topics:

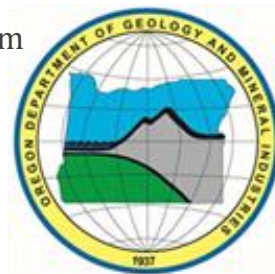
- 1) Permit Status Summary

Please note, included in this packet are the ENGAGe Summer and Civil Penalties newsletters being sent out and can also be found online: <https://www.oregongeology.org/mlrr/engage.htm>

Proposed Board Action: The Board will not be asked to take an action on this item.

ENGAGe

Summer 2019



Exploration, Non-aggregate, Gas/oil, Aggregate, Geothermal

ENGAGe Feature: Storm Water Events – Spring 2019

April's high-water event may have caught some Willamette floodplain sand and gravel mine operators by surprise. There are ~60 permitted floodplain sites and only the most recently permitted sites have permit conditions specific to the risks of pit dewatering and fish passage. Native fish that become entrapped in mine pits are likely to perish due to predation and/or inhospitable summer water temperatures.

Floodplain mine operators that conduct pit dewatering are at an increased risk of erosion and pit avulsion from over topping flood events. At least one mine site had a dewatered pit that was inundated by the April high water. The water flowing into the pit caused a head cut that eroded soil and overburden from the adjacent agricultural field (See Picture). That material was deposited on clean gravel deposits that were otherwise ready to be mined this spring.



How do high water events affect me (the operator)?

- If you have fish egress facilities - review operational plans with staff to ensure your site is managed so that fish can get out of any floodplain pits that get inundated during high water events.
- If you don't have fish passage facilities - consider incorporating fish passage facilities into your site planning to reduce your liability.
- If you dewater - some but not all sites that conduct pit dewatering have seasonal restrictions, via permit conditions, limiting pit dewatering from November to April to reduce the overall risk of a flood event inundating a dewatered pit. Review your permit conditions and minimize dewatering at your site.

Please contact Vaughn Balzer, DOGAMI Floodplain Reclamationist at (541) 967-2082 or vaughn.balzer@oregon.gov with any questions or concerns regarding floodplain sites or flood events. Contact Stormwater Reclamationist Lisa Reinhart at (541) 967-2051 or lisa.reinhart@oregon.gov for questions regarding your DOGAMI administered Water Quality permit.

***If you'd like to receive this newsletter via email, sign up for our listserv:
listsmart.osl.state.or.us/mailman/listinfo/mlrr.newsletter***

Contact Us at 541-967-2039 mlrr.info@oregon.gov

<https://www.oregongeology.org/mlrr>

Oregon Department of Geology and Mineral Industries

Mineral Land Regulation & Reclamation

229 Broadalbin St. SW, Albany, OR 97321



MLR AWARDS:

Each year MLRR presents awards for outstanding reclamation, mine operation, and fish habitat enhancement. Reclamation Awards for 2018, were presented at the Oregon Concrete and Aggregate Producers Association (OCAPA) annual convention at Eagle Crest Resort on June 20, 2019. The reclamation awards are the state's recognition and thank you to those in the mining industry with a strong commitment to the community and environment.

The 2018 Mined Land Reclamation Award winners are:

- Good Neighbor Award -- RiverBend Materials a CRH Company, West Salem Quarry, Polk County.
- Oregon Plan Award -- BCI Contracting, Confluence Project, Lane County.

RiverBend Materials was selected for the Good Neighbor Award for their behind the scenes efforts to maintain clean streets in the West Salem area, whether it is their responsibility or not. After being notified of complaints of track out on West Salem city streets, RiverBend responded and addressed the problem even though it was not their trucks responsible for the mud and rock.



BCI Contracting is a family owned business specializing in estuary construction, engineered log jams, stream and river restoration, and fish passage enhancement. BCI was selected for the Oregon Plan Award for their innovative approach and commitment to restore channel stability and complexity while enhancing fish and wildlife habitat along a 3-mile reach of the Middle Fork of the Willamette River at the confluence with the Coast Fork Willamette River.

SECURITY REMINDER:

If the institution holding your reclamation security (bank, insurance company, etc.) sends you a notice of change (whether it's to the name of institution, or to address, etc.) please let us know! We are not often notified of these changes, but like to be aware incase we need to get in touch with the institution to prevent any unauthorized changes in the reclamation security.



Please help DOGAMI-MLRR provide excellent customer service by taking our customer satisfaction survey:

<https://www.surveymonkey.com/r/MLRRCustomer>

the newsletter of the **Mineral Land Regulation & Reclamation** program

ENGAGe

Civil Penalties



Exploration, Non-aggregate, Gas/oil, Aggregate, Geothermal

ENGAGe Feature: Introduction to Civil Penalties

Did you know? Since 2014 88% of Department Orders issued have been for administrative violations such as non-payment of renewal fees. Starting **July 1, 2019** MLRR will begin implementing civil penalties as part of the enforcement program. This first phase will be for non-payment of renewal fees in order to deter these violations.

When will a civil penalty be assessed? A civil penalty for non-payment of renewal fees [Class I violation per OAR 632-030-0070(5)(A)] will be assessed according to the streamlined renewal process detailed on the other side of this newsletter. In essence, if your renewal is 30 days past due you will be issued a Notice of Violation (NOV) and given an additional 30 days to pay your renewal. If you fail to comply with the NOV and your renewal reaches **60 days late you will be assessed a civil penalty**. Please take the time to read the back page of this newsletter for more information about our streamlined renewal process.

How much are the civil penalties? Class I violations have a maximum penalty of \$1,000 *per day per violation* with a median penalty of \$500 total *per violation*. For the first year of implementation the penalty amount assessed will depend on your history of non-payment violations. For example, if you *have not* been issued a Notice of Violation for non-payment of fees in the past three years, you may be assessed a lower penalty. If you *have* been issued one or more Notices of Violation for non-payment of fees in the past three years, you may be assessed a higher penalty. Thereafter, once you have been assessed a civil penalty for non-payment of renewal fees, additional violations will result in increased penalties.

What happens to the penalties collected? The penalties will be used to reimburse the agency for expenses incurred in order to process and issue the civil penalty. Remaining money will be set aside to fund our Voluntary Reclamation Program (OAR 632-038). This program may fund grants and incentives to permittees for superior environmental protection and exceeding minimum requirements for reclamation of their sites.

What's next? The next phase of implementing civil penalties will be focused on violators mining without a permit which, depending on the severity of the violation, could result in maximum penalties of **\$10,000 per day**.

Contact Us at 541-967-2039 mlrr.info@oregon.gov

<https://www.oregongeology.org/mlrr>

Oregon Department of Geology and Mineral Industries

Mineral Land Regulation & Reclamation

229 Broadalbin St. SW, Albany, OR 97321



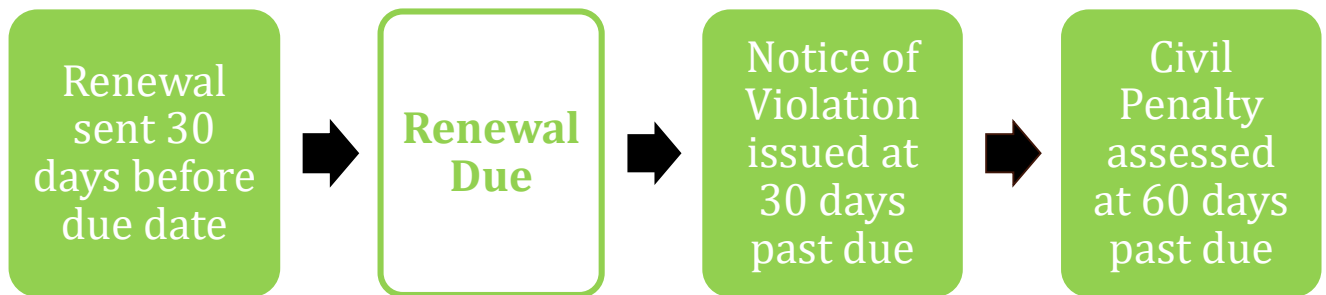
Photo by Cari Buchner - DOGAMI

RENEWAL UPDATE:

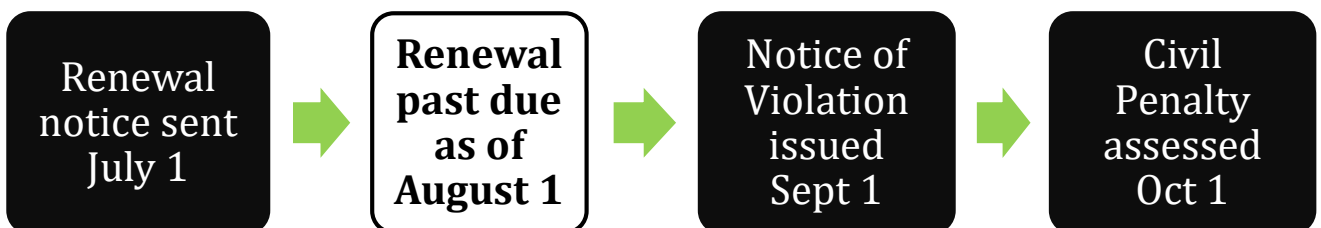
DOGAMI is reworking our renewal process! We've taken feedback from permittees, input from other state agencies and businesses in the aggregate industry, to revamp our renewal process. Previously, renewals were sent out 60 days before they were due. Permittees would then receive a second notice 15 days after the renewals became delinquent, notifying them that payment hadn't been received by DOGAMI. If the renewal was still not paid, a Notice of Violation was sent out 45 days after the second notice. Thirty days after the Notice of Violation was sent, came a Notice of Intent to pull the reclamation security. Thirty days after the Notice of Intent was sent to the permittee, a Demand for the security was sent to the bank – followed by DOGAMI pulling the reclamation security.

The new, streamlined renewal schedule will be as follows: renewals will be sent out 30 days before they are due. A Notice of Violation will follow at 30 days past due, with Civil Penalties being issued at 60 days past due. These changes provide a predictable and consistent schedule for the renewal process. If you have questions, please contact our Office Operations Assistant, Becky Johnson, at mlrr.info@oregon.gov or by phone at 541-967-2083.

Revised Renewal Process:



Example schedule for a renewal that is due **August 1**:



*If you'd like to receive this newsletter via email, sign up for our listserv:
listserv@osl.state.or.us or listsmart.osl.state.or.us/mailman/listinfo/mlrr.newsletter*

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Alyssa Pratt, Acting GS&S Program Manager

Date: June 28, 2019

Regarding: Agenda Item 12 - GS&S Update

Acting GS&S Program Manager Alyssa Pratt will provide an update on GS&S.

Proposed Board Action: The Board will not be asked to take an action on this item.

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Brad Avy, Director & State Geologist

Date: July 1, 2019

Regarding: Agenda Item 13 – Director’s Report

Director Avy will deliver his report on the following topics:

- 1) What Happened?
 - Contributing Factors
 - Budget Bill Consequence
 - Organizational Structure
 - Grant/Project Budget Expectations
 - Project Management Policy
 - Next Steps
- 2) Pre-Permit Payment Status: Grassy Mountain Chemical Gold Mine
- 3) Tsunami Line Working Group/HB 3309

Proposed Board Action: The Board will not be asked to take an action on this item.

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Laura Maffei, Board Chair

Date: June 28, 2019

Regarding: Agenda Item 15 – Confirm Time and Date for September Meeting and schedule new Board Retreat

Currently the next DOGAMI Board meeting is scheduled in Portland for Friday, September 20, 2019.

Proposed Board Action: The Board may be asked to take action on this item by Confirming or Amending the currently scheduled Board meeting date.

The DOGAMI Board Retreat was originally scheduled to take place on July 8, 2019 but needed to be canceled. The Board will discuss and decide whether to schedule a new date for the Board Retreat.

Proposed Board Action: The Board may be asked to take action on this item by setting a date, time and location for the Board Retreat.