

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

Monday, January 11, 2016

Teleconference

8:30 a.m.

Portland, Oregon

1) Call to Order: (Lisa Phipps, Board Chair)

Chair Lisa Phipps called the meeting to order at 8:35 a.m.

2) Introductions: (Lisa Phipps, Board Chair and staff)

Chair Phipps (via phone) and Board Members Dennis Luke (via phone) and Scott Ashford (via phone) were in attendance. Absent: Vice Chair Laura Maffei and Board Member Larry Givens

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

Brad Avy, Director/State Geologist

Richard Riggs, Assistant Director Mineral Land Regulation and Reclamation (MLRR)

Holly Mercer, Assistant Director of Geological Survey and Services (GS&S)

Alyssa Pratt, Recording Secretary/Office Specialist

Jon Allan, Coastal Geomorphologist (via phone)

Others in attendance:

Rich Angstrom, OR Concrete and Aggregate Producers Assn (OCAPA) & OR Mining Assn (OMA)

Larry Knudsen, Department of Justice (DOJ) (via phone)

Lauri Aunan, Governor's Office (via phone)

Traci Cooper, Department of Administrative Services (DAS) Transition Team

1 **3) Public Comment:**

2 Phipps asked for public comment. Rich Angstrom, Oregon Concrete Aggregate Producers Association
3 (OCAPA) & Oregon Mining Association (OMA) stated that the fees proposed will help the agency's
4 revenue and capture some of the evasion. Angstrom also stated that placer miners should not be
5 regulated under the statute, it was not the intent of the statute to regulate them, and noted that it
6 was an oversight in the legislation. He further stated that the association plans to modify the
7 legislation so that it just applies to aggregate mining. He reiterated that it was not the intent in the
8 2015 legislation to regulate those individuals using a pick and shovel to fill up a five gallon bucket.
9 Angstrom stated that he appreciated staff's effort in working with industry and moving toward
10 financial stability for the MLRR program and moving forward on policy and regulatory issues.
11

12 **4) Adopt Proposed Temporary Rules relating to HB 3563:**

13 Riggs stated that he would be happy to answer any questions regarding the proposed temporary
14 rules. Ashford asked for clarification regarding the metal miners and whether they would be
15 included in the rule. Riggs indicated that they would be included but their registration would be
16 staggered. Riggs further clarified that there would be approximately 200 permittees that would

17 come forward during the first phase and then up to 1500 metal placer miners may come forward in
18 the second phase. Ashford asked if the metal placer miners would need to pay for an exclusion
19 certificate. Riggs indicated that if there were no changes in legislation that would be correct. Larry
20 Knudsen further clarified that if the metal placer miner is excavating and producing metals for sale
21 then technically they would need to register.

22
23 Phipps inquired and Riggs confirmed that OAR 632-030-0017 had been eliminated. Riggs added that
24 initially there were three provisions that were brought to the board for changes; OAR 632-030-0016,
25 OAR 632-030-0017, and OAR 632-030-0022. Riggs continued to explain that it was subsequently
26 decided to not proceed with any changes to OAR 632-030-0017. Knudsen indicated that for purposes
27 of the permanent rule going forward, he believed that there would be an amendment to OAR 632-
28 030-0017.

29
30 Luke asked for clarification regarding the language in the rule about excavation or other land
31 disturbance operations that “substantially contribute to the profitability of the farm.” Knudsen
32 clarified that the profitability related to excavation activity rather than the farming operations.

33
34 Riggs explained that he needed two board actions. One board action is to adopt the findings of
35 justification of need and then the board action to adopt the rules. Riggs read into the record the two
36 findings of justification of need.

37
38 Board action: Luke moved for approval of the two findings of justification of need as presented.
39 Ashford seconded. Motion carried.

40 Board action: Luke moved to adopt the proposed temporary rule that implements statutory fee
41 increases associated with HB 3563 and which establishes a staggered schedule for filing of
42 exclusion certificate applications. Ashford seconded. Motion carried.

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44 Riggs clarified that the rule would be posted in the Oregon Bulletin in April and the board would take
45 action on the rule at its June meeting.

46
47 **5) Review updated draft of Budget Note Response:**

48 Mercer updated the Board about the progress of the Budget Note response and the presentation
49 material. She explained that she would let the board know if there were any additional substantive
50 changes to the previously distributed draft. Luke asked if the Legislative Fiscal Office staff (LFO) were
51 satisfied with the Budget Note response. Mercer replied that she believed LFO was pleased with the
52 narrative and DOGAMI staff would continue to seek their feedback about the presentation material.

53
54 Mercer also indicated that there was a legislative hearing in the next week to submit grant proposals
55 for legislative approval. Luke asked if the board would be notified of future grant proposals and
56 Mercer indicated that she has added board notification to grant approval procedures.

57
58 Mercer then discussed the need for a longer board meeting to discuss Key Performance Measures
59 (KPMs). Cooper stated that the KPMs will need to be included during the budget development for
60 2017-2019. Phipps asked whether the Board would need a separate meeting to review KPMs and
61 Mercer replied that the Board may need an additional meeting, but she was unsure of the
62 scheduling.

63
64 Phipps thanked the staff for their work on the Budget Note response.

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


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68 **6) Public Comments:**

69 Phipps asked for public comment. Angstrom indicated that he was testifying on behalf of OMA. He
70 indicated that under HB 3089 the department should look at how it wants to participate in promoting
71 mining across the state and bringing in some business opportunities. He further indicated that
72 blending the regulatory program and promoting mining under "one tent" doesn't make sense and
73 the two programs should be separated. Angstrom closed by stating that there are mining
74 opportunities in Oregon, particularly in the economically challenged areas in the southeast part of
75 the state.

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77 **7) Adjourn:**

78 At the conclusion of the public comment period, Chair Phipps adjourned the meeting at 9:11 a.m.

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80
81 APPROVED

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84  4-8-16
85 _____ Date

86 Lisa Phipps, Chair

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