

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

Monday, December 11, 2023

8:30 a.m.

Virtual Public Meeting

1) Call to Order: (Linda Kozlowski, Board Chair)

Chair Ashford called the meeting to order at 8:33 a.m.

2) Introductions: (Linda Kozlowski, Board Chair, and Staff)

Chair Linda Kozlowski, Board Members Anne MacDonald, Erica Medley, and Tiffany Thomas were all in attendance via Zoom video/phone. Board Member Diane Teeman was not in attendance.

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

Ruarri Day-Stirrat – Director/State Geologist

Sarah Lewis, MLRR Program Manager

Lori Calarruda, Recording Secretary/Executive Assistant

Alex Lopez, Public Affairs Coordinator

Steve Dahlberg, Chief Financial Officer (CFO)

Jason McClaughry, GS&S Program Manager

Vaughn Balzer, MLRR Floodplain Mining Reclamationist/DOGAMI Rules Coordinator

Christina Appleby, Legislative Coordinator/Geologist

Others in attendance:

Diane Lloyd, Department of Justice (DOJ)

Kendra Beck, DAS Office of the Chief Financial Officer

Tiffany Thomas briefly introduced herself. She stated she works for an environmental consulting firm, has a Ph.D. in chemistry, and a bachelor's in environmental chemistry. Throughout her consulting years, she has worked with mining industries in various capacities. She relocated to Oregon 7 years ago from Arizona.

1 **3) Review Minutes of September 25, 2023 Board Meeting:**

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

3

4 Board Action: **MacDonald moved to approve the minutes of September 25, 2023 as submitted.**

5 **Medley seconded. Motion carried.**

6

7 **4) Election of Vice-Chair:**

8 Chair Kozlowski stated it is time to elect a new Vice-Chair, as it was deferred from the last meeting
9 because all Board Members were not in attendance. The Board voted for Anne MacDonald as Vice-
10 Chair.

11

12 Board Action: Medley moved to elect Board Member Anne MacDonald as Vice-Chair. Thomas
13 seconded. Motion carried.

14
15 **5) Confirm 2024 Board Meeting Dates:**

16 The Board discussed the Proposed 2024 Board Meeting Dates.

17
18 The 2024 DOGAMI Board Meeting dates are:

19
20 **March 14, 2024 (Thursday)**

21
22 **June 25, 2024 (Tuesday)**

23
24 **September 19, 2024 (Thursday)**

25
26 **December 12, 2024 (Thursday)**

27
28 Board Action: Thomas moved to approve the proposed Board Meeting dates as discussed and
29 amended. MacDonald seconded. Motion carried.

30
31 **6) Financial Report:**

32 Steve Dahlberg, Chief Financial Officer, presented the DOGAMI Budget Status Report, as of
33 September 30, 2023, ending of the first quarter of the 2023-25 biennium, for the Geological Survey
34 and Services (GS&S) and Mineral Land Regulation & Reclamation (MLRR) programs. The Board
35 Packet contained the financial actuals, graphs, and projections.

36
37 Dahlberg briefly reviewed and presented some highlights of the new biennium budget information.
38 MLRR ePermitting has been funded for \$2 Million this biennium. The GS&S General Fund budget has
39 increased and includes two new positions focused on water scarcity. The Federal Funds and Other
40 Funds budgets remain similar to previous biennia. DOGAMI's Funding Bill, SB 510, is for about \$22
41 Million. The Omnibus Bill, SB 5506, included several agency adjustments, and the two full time
42 positions funded at 75% due to the first 6 months of funding being removed because of the hiring
43 schedule. The current early projections show DOGAMI ending the biennium \$300,000 under budget.

44
45 Chair Kozlowski asked about the increase in USGS grants. Dahlberg answered the Agency has nearly
46 doubled the STATEMAP and Data Preservation grant requests from USGS. He shared a graph
47 showing a healthy trend. Dahlberg stated DOGAMI is doing well, and has a good working relationship
48 with the LFO and CFO Analysts and the Governor's Office.

49
50 Board Action: Thomas moved to accept the Budget Status Report as presented. Medley seconded.
51 Motion carried.

52
53 **7) Rule Writing:**

54 Vaughn Balzer, MLRR Floodplain Mining Reclamationist and DOGAMI Rules Coordinator,
55 provided an update on the formal rulemaking for changing OAR 632-030-0056.

57 Balzer stated there were only minor changes to the Rule text that were presented at the last
58 meeting. Chair Kozlowski asked Balzer to go over the information and reasons for the change, for the
59 two Board Members who were not in attendance at the last meeting. Balzer reviewed the
60 information.

61
62 Lloyd added the rule change clarifies how the Department has been implementing its authority
63 historically, and as the Legislature has intended, which is to have the ability to issue the Suspension
64 Orders that are effective immediately. They will be issued as a final order rather than a proposed
65 order. The recipient would still have the opportunity to seek judicial review, but they would need to
66 go to Circuit Court to do so. This proposed amendment makes it clear the Department has the
67 authority to issue a final order that has that different route for appeal.

68
69 Kozlowski asked if previously the permittee could continue to operate. Lloyd said historically most
70 entities who received a Suspension Order stopped operating, which was the Department's
71 expectation after issuing a Suspension Order.

72
73 Medley asked about Number 3: The Department may suspend operations at any time during the
74 process prior to the Department's decision. Lloyd explained that Statute ORS 517.880 provides
75 limited circumstances in which the Department can issue a Suspension Order. It provides clarity
76 about it going into effect and the route for appeal of that Suspension Order.

77
78 Medley asked about the last sentence not making sense: A suspension order shall be issued as a final
79 order in other than a contested case. Lloyd answered it is the term from the Administrative
80 Procedures Act. The Agency's orders fit into two categories of Final Order in a Contested Case, and
81 Final Order other than Contested Case. In a Contested Case, the Department offers an
82 Administrative Hearing, and other than Contested Case it is appealed in a Circuit Court.

83

84 Balzer, asked for Board approval on the following:

85 1) Request for DOGAMI Governing Board approval of final draft rule text for OAR 632-030-0056.

86

87 2) Request for DOGAMI Governing Board approval to file the final permanent rule with an effective
88 date of March 1, 2024, assuming there is no change to the rule text per the first request under
89 this agenda item. If there are any changes in the text of the rule DOGAMI will seek additional
90 approval at the March 2024 DOGAMI Governing Board meeting or a subsequent DOGAMI
91 Governing Board meeting.

92

93 Board Action: **MacDonald moved to approve final draft rule text for OAR 632-030-0056. Medley**
94 **seconded. Motion carried.**

95

96 Board Action: **Medley moved to approve to file the final permanent rule with an effective date of**
97 **March 1, 2024, assuming there is no change to the rule text per the first request under this agenda**
98 **item. If there are any changes in the text of the rule DOGAMI will seek additional approval at the**
99 **March 2024 DOGAMI Governing Board meeting or a subsequent DOGAMI Governing Board**
100 **meeting for OAR 632-030-0056. MacDonald seconded. Motion carried.**

101

102 8) **MLRR Update:**

103 Sarah Lewis, MLRR Program Manager, provided an update on MLRR.

104

105 Permit Status Summary

106 Lewis reviewed the information and figures in the Board Packet to orient new Board Member
107 Thomas on what she routinely shares each quarter. The maps demonstrate the activity level in
108 Oregon. She explained the office in Albany has 14 staff members and MLRR's authority extends
109 across the entire State of Oregon.

110

111 Chair Kozlowski asked Lewis if she sees ePermitting making an impact on the ability to process
112 applications. Lewis does think it will help with efficiency in the process by moving away from paper-
113 based to online, but did not want to speak to industry's expectations.

114

115 Thomas asked about the acronyms for the types of permit applications. Sarah explained them, and
116 reviewed the status and location of several.

117

118 Medley asked what type of information is requested for a permit. Lewis explained the process.

119

120 Lewis explained the compliance summary has only been in existence for about 5 years. MLRR has
121 resolved several compliance issues, and tries to keep the number of identified issues low so they can
122 actually resolve them instead of being paralyzed by the amount. Site inspections tend to bring up
123 some issues, but it does not mean the mines are being negligent.

124

125 Chair Kozlowski asked how MLRR determines what sites will be added to the priority list once a
126 compliance issue is resolved. Lewis stated MLRR's main responses are to active applications, which
127 keeps the queue full. She explained discretionary site inspections would be another main
128 mechanism, but the Program lacks the capacity to do them. There are roughly 900 surface mining
129 sites, and about half of them are active.

130

131 Lewis explained the list of Active Orders was a suggestion from a previous Board Member to track the
132 number of Suspension Orders MLRR has, and provided an update on the two that have received Civil
133 Penalties.

134

135 Grassy Mountain

136 On October 4, 2023, the Technical Review Team determined the application was complete, and
137 issued Notice to Proceed on November 3, 2023. There is a 1-year clock/regulatory timeline for
138 issuance of a final permit, and a 225 day clock for the permit drafting phase. There will likely need to
139 be a stoppage/pause of the 1-year clock to allow for the full permit. MacDonald asked when the 225-
140 day clock starts. Lewis answered it starts when the Environmental Evaluation is accepted as
141 complete, which is expected to be March or April 2024.

142

143 Kozlowski asked Lewis to provide the timeline of this project for context. Lewis said exploration
144 began in the 1980s and 1990s. This applicant filed in 2012 and then refiled in 2017 with a new
145 Project Plan and Notice of Intent, and the Complete Application was received in fall of 2019.

146

147 Lewis provided a staffing update. She stated MLRR is piggybacking on DEQ's system, Your DEQ
148 Online, so ePermitting will not start until next summer due to DEQ being delayed, but the Agency is
149 doing the required background paperwork during this time. She is expecting to have several DEQ

150 employees working on the ePermitting project and does not expect a significant setback on the
151 project completion.

152

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

154

155 **9) GS&S Update:**

156 Jason McClaughry, GS&S Program Manager, provided an update on the GS&S program.

157

158 McClaughry stated DOGAMI had released thirteen publications since January, and up to six more are
159 expected by early January, bringing the total for the year to around twenty. He highlighted two
160 recently released Open File Reports 0-23-05 a Neotectonic map of the Cascadia Margin, and 0-23-09
161 Cape Kiwanda Sinkholes and their formation, Tillamook County, Oregon.

162

163 Medley asked if 0-23-05 includes new mapping of additional faults or is it just digitizing the database
164 for use. McClaughry explained it digitized the old data from 1992, but additional studies have been
165 done since then, and those data sets have been included.

166

167 McClaughry briefly discussed grants. The USGS funding is increasing, due to expanding work into
168 critical minerals and water scarcity. This year's STATEMAP grant will be the largest project proposal
169 submission for \$1.3 M, half will be DOGAMI match or General Fund in staff time, and the other half
170 will be Federal Funds. The Data Preservation Program will also have the biggest proposal submitted,
171 and will focus on making Agency data available to the public, which will include assay reports.
172 Another component is funding to look at historic oil and gas wells drilled in Southern Lake County
173 back in the 1960s, and Thomas Creek Well, the fifth deepest well drilled in Oregon down to 12,200
174 feet. A new funding source for the Program is Earth MRI, the first funded project is for \$330,000 to
175 look closely at the McDermitt Caldera for the next 3 years.

176

177 McClaughry said another new avenue of funding is the Department of Energy (DOE) grant. The new
178 grant request is to look at critical minerals and how to break down rocks to process them to extract
179 lithium and other minerals.

180

181 McClaughry provided a brief staffing update. The Program has two new hires, Dr. Kaleb Scarberry
182 and Dr. Vanessa Swenton. These two positions were added during the Legislative Session through SB
183 5506. A third Ph.D. candidate accepted and will start after the first of the year on a limited duration
184 (LD) basis.

185

186 Medley said it was awesome to get candidates with such great backgrounds for the positions and
187 asked about the recruiting process. McClaughry said the Agency followed standard recruiting
188 protocols for the State of Oregon, there were no specific candidates in mind. There were 20
189 candidates for the NRS 4 position, and 50 candidates for the NRS 2 position. He was also able to use
190 the candidate pools for the LD position. He added Oregon is a great place to work and people are
191 interested in working for DOGAMI.

192

193 Chair Kozlowski said it is impressive not only in terms of the candidates, but the grants as well, and
194 asked if Oregon's structure and way of working is different compared to other states. McClaughry
195 stated there are differences in the geologic surveys, as some are part of a university system and
196 others are independent like DOGAMI.

197
198 Briefing: **No Board Action Required.**

199
200 **10) Director's Report:**

201 Ruarri Day-Stirrat, Director & State Geologist, provided an update on the Agency.

202
203 Agency Update

204 Director Day-Stirrat stated the Agency has made a big push over the last year and a half to increase
205 its ability to map the State of Oregon, leverage those projects for future funding opportunities
206 related to mapping and minerals together, and create solid funding.

207
208 Day-Stirrat said the Legislatively Adopted Budget is being implemented by hiring for the newly
209 created positions, and he is incredibly pleased with the candidate pool the Agency has attracted.

210
211 One area the Agency is looking to grow is subsurface geology, related to geologic carbon
212 sequestration. In January 2023, a proposal was submitted to DOE to look at an area in Northern
213 Oregon and Southern Washington that was unsuccessful. There are two groups looking at locations
214 in Eastern Oregon as potential sites, with a total funding package of about \$14M. In March, DOGAMI
215 and DEQ submitted a Letter of Intent to the EPA to seek primacy for Class 6 wells, which is a very
216 specific well related to carbon sequestration; DEQ currently has authority for other classes of
217 injection wells. In November, Oregon received notice that it was eligible for a \$2M grant to build a
218 regulatory program; MLRR and DEQ have started conversations to work it out.

219
220 Day-Stirrat said in early 2024, DOGAMI will focus on completing the Strategic Plan. The Agency is
221 about to close the stakeholder survey that will be incorporated into the plan. The budget cycle is
222 never over, and the Agency is starting to look at building the next budget. It will be brought to the
223 Board to be signed off on, no later than the end of June.

224
225 MacDonald asked Day-Stirrat if he had any insights from recent discussions with other Directors of
226 State Geological Surveys. Day-Stirrat said three things have changed significantly nationally: critical
227 minerals, carbon sequestration, and hydrogen. DOGAMI does not necessarily have anything to do
228 with hydrogen at the moment.

229
230 Chair Kozlowski stated this was exciting and a good end to 2023.

231
232 Day-Stirrat stated that SB 11 requires the recording of Board meetings to be posted online, and asked
233 the Board how they would prefer to have the Board Minutes handled. Several members said it would
234 be nice to have conversations tagged in the recording. MacDonald stated she would like to still see
235 them in the Board Packet and have a written record of actions taken. Day-Stirrat said there will need
236 to be experimentation from the Agency to work out how best to use the video and make it easier to
237 track conversations.

238
239 Briefing: **No Board Action Required.**

240
241 **11) Public Comment:**

242 Only written comments received prior to or by 11:20 a.m. on the day of the meeting were to be
243 accepted. Chair Kozlowski asked for any written public comments. No public comments.

244

245 **12) Board Adjourn:**

246 Chair Kozlowski adjourned the meeting at 10:07 a.m.

247

248 APPROVED

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252 _____
Linda Kozlowski, Chair

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242 Only public comments received prior to or by 11:30 a.m. on the day of the meeting were to be
243 accepted. Chair Kachinski asked for any written public comments. No public comments.

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245 **12) Board Adjourns**

246 Chair Kachinski adjourned the meeting at 12:07 a.m.

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248 APPROVED:

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Linda Kachinski, Chair