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 McLaughry, 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.

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

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

Board Action: **MacDonald moved to approve the minutes of September 25, 2023 as submitted.**
**Medley seconded. Motion carried.**

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

Chair Kozlowski stated it is time to elect a new Vice-Chair, as it was deferred from the last meeting because all Board Members were not in attendance. The Board voted for Anne MacDonald as Vice-Chair.
Board Action: Medley moved to elect Board Member Anne MacDonald as Vice-Chair. Thomas seconded. Motion carried.

5) Confirm 2024 Board Meeting Dates:
The Board discussed the Proposed 2024 Board Meeting Dates.
The 2024 DOGAMI Board Meeting dates are:

- March 14, 2024 (Thursday)
- June 25, 2024 (Tuesday)
- September 19, 2024 (Thursday)
- December 12, 2024 (Thursday)

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

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

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

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

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

7) Rule Writing:
Vaughn Balzer, MLRR Floodplain Mining Reclamationist and DOGAMI Rules Coordinator, provided an update on the formal rulemaking for changing OAR 632-030-0056.
Balzer stated there were only minor changes to the Rule text that were presented at the last meeting. Chair Kozlowski asked Balzer to go over the information and reasons for the change, for the two Board Members who were not in attendance at the last meeting. Balzer reviewed the information.

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

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

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

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

Balzer, asked for Board approval on the following:

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

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

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

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

8) MLRR Update:
Sarah Lewis, MLRR Program Manager, provided an update on MLRR.

Permit Status Summary

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

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

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

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

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

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

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

Grassy Mountain

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

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

Lewis provided a staffing update. She stated MLRR is piggybacking on DEQ’s system, Your DEQ Online, so ePermitting will not start until next summer due to DEQ being delayed, but the Agency is doing the required background paperwork during this time. She is expecting to have several DEQ
employees working on the ePermitting project and does not expect a significant setback on the project completion.

Briefing: No Board Action Required.

9) **GS&S Update:**

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

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

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

McClaughry briefly discussed grants. The USGS funding is increasing, due to expanding work into critical minerals and water scarcity. This year’s STATEMAP grant will be the largest project proposal submission for $1.3 M, half will be DOGAMI match or General Fund in staff time, and the other half will be Federal Funds. The Data Preservation Program will also have the biggest proposal submitted, and will focus on making Agency data available to the public, which will include assay reports.

Another component is funding to look at historic oil and gas wells drilled in Southern Lake County back in the 1960s, and Thomas Creek Well, the fifth deepest well drilled in Oregon down to 12,200 feet. A new funding source for the Program is Earth MRI, the first funded project is for $330,000 to look closely at the McDermitt Caldera for the next 3 years.

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

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

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

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

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

Agency Update

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

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

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

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

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

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

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

Briefing: No Board Action Required.

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

12) **Board Adjourn:**

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

APPROVED

Linda Kozlowski, Chair
Only written comments received prior to or by 10:30 a.m. on the day of the meeting were to be accepted. Chair Kochanski asked for any written public comments. No public comments.

**Board Actions:**
Chair Kochanski adjourned the meeting at 10:57 a.m.

APPROVED

[Signature]

(Chair Kochanski, Chair)