1) **Call to Order:** (Scott Ashford, Board Chair)

Chair Scott Ashford called the meeting to order at 8:40 a.m.

2) **Introductions:** (Scott Ashford, Board Chair, and Staff)

Chair Scott Ashford, Vice-Chair Linda Kozlowski, Board Members Diane Teeman, and Erica Medley were all in attendance via Zoom video/phone. Board Member Anne MacDonald 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, Interim GS&S Program Manager
- Laura Gabel, Coastal Field Geologist/KPM Coordinator
- Vaughn Balzer, MLRR Floodplain Mining Reclamationist/DOGAMI Rules Coordinator
- Cari Buchner, MLRR Mining Compliance Coordinator
- Melissa Carley, MLRR Aggregate Permitting Reclamationist

Others in attendance:
- Diane Lloyd, Department of Justice (DOJ)
- Wendy Gibson, Legislative Fiscal Office (LFO)
- Sione Filimoehala, DAS Office of the Chief Financial Officer
- Peggy Lynch, League of Women Voters of Oregon

3) **Review Minutes of June 26, 2023 Board Meeting:**

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

Board Action: **Teeman moved to approve the minutes of June 26, 2023 as submitted. Kozlowski seconded. Motion carried.**

4) **Financial Report:**

Steve Dahlberg, Chief Financial Officer, presented the DOGAMI Budget Status Report, as of June 30, 2023, ending the 2021-23 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; including a high-level chart of the new 2023-35 LAB Budget. The Agency is in a very healthy financial state.

Kozlowski asked about the MLRR Operating Reserve and its purpose. Dahlberg answered MLRR’s Operating Reserve is a 6 month’s balance built up to cover the cost of doing business in case of any unforeseen issues/changes.

Chair Ashford and Kozlowski asked about tracking the costs for outreach and education. Dahlberg said it can be done and will include it going forward.

Kozlowski asked about the Terrestrial Lidar Scanning device. McClaughry briefly explained it was purchased for the coast to look at coastal bluffs for long term erosion and changes. It is a valuable device and has multiple applications, including being used for landslides.

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

5) **Agency Key Performance Measures (KPMs) Annual Update:**

Laura Gabel, Coastal Field Geologist and KPM Coordinator, reviewed the Agency’s Annual Key Performance Measures (KPMs), including the Annual Assessment by the Board.

Chair Ashford asked if Mt. Saint Helens is part of DOGAMI’s assessment for the impact on the State of Oregon, even though it is in Washington. McClaughry said there are several cascade volcanoes that pose risk to Oregon, but it is a significant hazard directly to the Portland area. It is part of DOGAMI’s hazard analysis, but not directly studied by the Agency but planning efforts are made with the Cascade Volcano Observatory (CVO). The Hazard Viewer (HazVu) includes all the Oregon volcanoes, but it does not include Mt. Saint Helens.

Chair Ashford asked if the yearly increasing target for KPM 2 is part of the Agency’s planned work. Director Day-Stirrat stated the KPM and metric is focused on population and there is obvious recognition that mapping needs to happen around that state in less populated areas, which is why the KPM has not been met. Another metric being tracked is how much of the State has been mapped, even though it is not an official KPM.

Gabel explained KPM 4 – Mine Site Inspections, was redefined to an annual metric and is no longer biennial, which is the reason for the blank page in the report; it is an automatically generated placeholder. Gable reviewed the remnant from the old KPM 4 to wrap it up for the Board.

Chair Ashford asked Lewis what her plan for the new KPM is going forward with the next year. Lewis explained they are working on developing how to track the metric, ensuring the database has the appropriate fields to identify what an active mine site is and be able to track the inspections. Lewis added the reason for lower inspections rates was due to staffing transitions, with the loss of two staff. Ashford asked if aerial information counts as an inspection. Lewis said yes under certain circumstances and a clear protocol will be determined. This KPM metric is for aggregated mine sites only. The Grassy Mountain Project will have a Division 30 and Division 37 aggregate permit within it, and would count towards the KPM once it has been permitted.
Medley asked how many of the mine site inspections were in person versus aerial imagery and what is the percentage of finding issues. Lewis said close to 100% because visits are usually due to environmental concerns.

Chair Ashford asked if people get to provide comments as part of the Customer Service Satisfaction Survey KPM 5. Gabel said yes, but those are not quantitative so they are not included in the KPM. Kozlowski asked if the updated website will help with availability of information. Gabel said she is hopeful it will as kinks are worked out. Lewis added that ePermitting will help with availability of information as it will have a Public Records Portal, which automate the delivery of mining records.

The Board completed their Annual Assessment by answering the required 15 questions, which included review of the Annual Performance Progress Report, also known as the KPMs that will be submitted to DAS.

6) **Rule Writing:**

Vaughn Balzer, MLRR Floodplain Mining Reclamationist and DOGAMI Rules Coordinator, and Diane Lloyd, Senior Asst Attorney General DOJ, presented information related to rule writing. Lloyd did an overview of the Rule Writing process and Balzer presented a request to initiate formal rulemaking for changing OAR 632-030-0056, specific to the appeals process for Department Orders. The proposed rulemaking is to ensure the rules align with DOGAMI’s statutory authority related to Suspension Orders in accordance with ORS 517.880, allowing Suspension Orders as Final Orders that become effective immediately, and provide additional guidance to reduce the confusion related to requests for Contested Case Hearings or State Geologist Reviews.

Chair Ashford asked if there are other rules the Agency enforces that allow for hearings or State Geologist review. Balzer said yes, the Suspensions Orders are for Mining Without a Permit and preventing adverse consequences to the environment or impacts on neighboring properties.

Day-Stirrat stated the intent here is essentially to fix the issue of when a Suspension Order is issued with a list of required corrective actions for egregious environmental harm, it becomes effective immediately and does not have a waiting period. He added that if the Agency is incorrect in its Suspension Order, it can be lifted through a Contested Case Hearing, State Geologist Review, or Circuit Court. The Agency would prefer the permittee take the actions outlined, make the corrective actions, and then the Agency lift the suspension.

Chair Ashford asked if the Agency typically has had some sort of communications with the violator(s) prior to issuing a Suspension Order, which would allow the issuance to happen very quickly without a lot of background. Lloyd stated that is correct, the statute provides circumstances through which the Department can issue those orders.

Medley stated given the potential environmental impact there should at least be language saying work should cease until a hearing. Lloyd replied that is how the Agency has been implementing authority.

**Board Action:** Kozlowski moved to proceed with rule writing for OAR 632-030-0056. Medley seconded. Motion carried.
7) **MLRR Update:**

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

**Permit Status Summary**

Lewis stated Application workload remains high. The Program has prioritized providing applicants updates on the status of the Applications. Of the 72 active Operating Permit Applications, 5 are in the intake phase, 32 are with staff, and 36 have been returned to applicants for additional information or third-party approval. One staff member has been tasked with coordinating the communication around each application with staff to ensure everyone knows who is on point and where it is in the process.

**Civil Penalties**

Lewis said there are no new Suspension Orders issued, but there are some on the books. The Program did issue the Civil Penalty for Mining Without a Permit on State Lands to Eckroth for over $400,000; this was approved by the Board in December. The Respondent does have 20 days to file a Contested Case Hearing. There are no new Civil Penalties for late payments, which shows they are an effective deterrent. Lewis said unmarked permit boundaries continue to be a challenge during site inspections, therefore she will bring a future request to the Board to develop a procedure using Civil Penalties to enforce permit boundary marking, which is a permit condition violation.

**Grassy Mountain**

Lewis said significant progress has been made on the request for information, and a discussion on the Completeness of Application could happen at the next Technical Review Team (TRT) scheduled for October 4, 2023. If the Application is determined to be complete, DOGAMI will develop and issue a Notice to Proceed to the applicant, which could take 30-60 days. Kozlowski said it has been a long time coming, is impressive and really good work. Lewis said the Program is reflecting often on the lessons learned so far, for how to approach future projects.

Lewis provided a staffing update, stating MLRR is undergoing a lot of new hires with backfills and the four positions approved in the 2023-25 Budget, explaining they are Other Funds positions so the Program is utilizing funds it already has. She introduced Melissa Carley as the new Aggregate Permitting Reclamationist. Two of the new positions are related to unpermitted mine sites; one position is the NRS 3 Mining Compliance Coordinator, there was an internal recruitment and Cari Buchner started this morning, and her vacated position will be backfilled. The other two positions are for ePermitting; the permanent IT position will also take over the MLRR IT duties to free up its IT/GIS staff member. An ePermitting update to Legislature is required during the Short Session in January. Lewis added that MLRR has had an OSU intern from the Professional Science master’s program, Telicia Hixson, who successfully presented her research project on best management practices around noxious weed infestations.

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

8) **GS&S Update:**

Jason McClaughry, GS&S Program Manager, provided a brief update on the GS&S program.
McClaughr said the Board Packets contains his detailed summary update, but he wanted to highlight a few items from it. There are two publications pending release that are specifically related to the collaboration and outreach conversations. The first is Open File O-23-05 Neotectonic map of the Cascadia Margin, a contribution by Oregon State University Researcher, Chris Goldfinger, DOGAMI is publishing a new updated map of the offshore faults within the Cascadia Subduction Zone; it was originally published in 1992. The second one will be an Open File on the sinkholes at Cape Kwanda State Park, which has strengthened DOGAMI’s partnership with State Parks.

McClaughr provided a staffing update for GS&S, stating the Program received two new permanent positions; one is for a Mineral Resource Geologist to help with understanding critical mineral and other important economic resources throughout the State, and the second is a Mapping Geologist. Both positions are in different stages of the recruitment process, and have attracted a lot of qualified candidates. GS&S also has a master’s candidate at the Portland State University (PSU), Anna Tsitsivas, helping with landslide mapping project in Coos Bay that is funded by the BLM, and a limited duration (LD) Information Specialist, Christian Martinek, to help support IT activities and needs. In addition, due to grant load, a recruitment for an LD NRS 2 Mapping Geologist will be done to help with the Landslide Mapping Program for the rest of the biennium. This will also allow the Agency to be strategic and go after more grant opportunities.

Medley asked if the Department actively recruits at State colleges. McClaughr said DOGAMI is actively engaged with its university partners and tries to broadcast job announcements widely.

McClaughr briefly discussed resources the Agency has recently invested in for support of ongoing research, with high resolution aeromagnetic and radiometric data surveys over some target areas of the State. This will be used as match going forward.

Chair Ashford asked if the work being done and data being developed in Northeast Oregon help build justification for the work to the Federal Government. McClaughr answered yes it does, and it shows the Agency is putting forth a good faith effort to supply match while collecting data to support the community.

Kozlowski asked if DOGAMI has a connection with the building codes related to the probabilistic mapping in terms of tsunamis, and how will the Agency use that information for communities to determine what can be built and where. McClaughr did not have an immediate answer, but can develop one with one Jon Allan. He stated they are regularly involved in consultations as development projects come up for public infrastructure within the tsunami zone.

Chair Ashford said with the shift to looking at the probabilistic hazards from a tsunami, he thinks this would be a good opportunity and helpful to educate people on the coast, coordinate with Building Codes, and provide communication around the new guidance.

Briefing: No Board Action Required.

9) Director’s Report:

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

Agency Update
Director Day-Stirrat stated the Agency is enacting the Legislatively Adopted Budget with the first stage being the hiring process, which both Programs are in the middle of with very well qualified candidates.

The second part is Governor Kotek took office in January and issued a large number Agency Expectations, including Strategic Planning/Plans, and Diversity, Equity, and Inclusion Plans, and New Employee Onboarding Process; all are ongoing and in various stages of completeness, but good progress had made on all of them.

The Agency is slowly beginning the 2025-27 process, which is never too soon to start thinking about directions for the future, which includes carbon sequestration. A new page has been added to the Agency’s website that succinctly states where the Agency is today and what the opportunity is for Oregon. This will be developed over the next year to determine if DOGAMI can build Policy Option Packages around it. There is a push towards water and critical minerals, and Day-Stirrat will continue those themes in the Agency’s future building; there is a lot of work to do.

DOGAMI also has 2 years to reimagine what the structure of MLRR will look like, as it faces the reality that there will need to be a fee increase in the next biennium. Medley asked what percentage increase was being considered. Day-Stirrat said probably a significant one, but equally a lot of restructuring in terms of business in general.

Kozlowski stated it is really exciting about thinking that far in the future as to where DOGAMI needs to be and based on the stability of the organization. The great work that Day-Stirrat and his team have done, gives the Agency the flexibility to really look at the future and take the time to do it. Really excellent work.

Teeman asked if there is a possibility for a graduated permitting process that might allow those with resources to move through faster by taking a different option, and those smaller operations or do not need it as quickly do an alternative process. Day-Stirrat said that is a discussion the team has had but it needs to be taken to industry to get their reaction/input.

Teeman asked for federally funded undertakings if there is a separate protocol process that has been established for reaching out to interested parties or if it varies from project to project. Day-Stirrat said it varies from project to project, and used STATEMAP as an example of using the STATEMAP Advisory Board to steer the direction related to mapping. He said he will take her comments, discuss them, and see what the Agency can do.

Briefing: No Board Action Required.

10) **Election of Chair and Vice-Chair:**

Chair Ashford stated this is his last meeting and it is time to elect a new Chair and Vice-Chair. The Board voted for Linda Kozlowski as Chair and deferred election of the Vice-Chair until the next meeting when all Board Members will be in attendance.

Board Action: **Ashford moved to elect Board Member Linda Kozlowski as Chair. Medley seconded. Motion carried.**
Kozlowski took over Chair duties for the rest of the meeting.

11) Recognition of Board Members:

Kozlowski expressed her appreciation of Ashford for his leadership, generosity of time and effort. The Board has made great progress under his leadership, it has been wonderful working with him, and he will be missed.

Teeman said she enjoyed working with Ashford and thanked him for his service.

Day-Stirrat said it has been a pleasure to work with Ashford and characterized him as being extremely focused.

Ashford said when he joined the Board the Agency was in a pretty difficult position. Today he is thrilled with the partnership with Universities that are all engaged with DOGAMI. The projects the Agency pursues reinforce its mission and outreach is thoughtful. He appreciates the forward thinking of the Director and the customer service aspect of MLRR. He thanked staff for their work, Diane Lloyd for her legal advice, and the Board Members; he enjoyed working with everybody and had a great time on the Board.

A plaque was presented to Ashford for his service with the Board, which will be mailed to him.

Briefing: No Board Action Required.

12) Confirm Time and Date for Next Quarterly Meeting:

Newly voted Chair Kozlowski stated the next DOGAMI Board is currently scheduled for Monday, December 11, 2023 at 8:30 a.m. – 1:00 p.m. in Portland or via Zoom. She confirmed this date is still acceptable for the Board.

13) Public Comment:

Only written comments received prior to or by 11:45 a.m. on the day of the meeting were to be accepted. Chair Ashford asked for any written public comments. No public comments.

14) Board Adjourn:

Chair Kozlowski adjourned the meeting at 11:03 a.m.

APPROVED

Linda Kozlowski, Chair