

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

Monday, December 11, 2017

8:30 a.m.

*Portland, Oregon*

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

Chair Lisa Phipps called the meeting to order at 8:34 a.m.

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

Chair Phipps, Vice Chair Laura Maffei, and Board Members Katie Jeremiah and Scott Ashford (via phone) were in attendance.

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

Brad Avy, Director/State Geologist

Lori Calarruda, Recording Secretary/Executive Assistant

Ian Madin, Deputy Director/Chief Scientist

Kim Riddell, Chief Financial Officer (CFO)

Ali Ryan Hansen, Communications Director

Jed Roberts, GS&S Manager

Alyssa Pratt, Earth Science Supervisor

Matt Williams, GIS & Remote Sensing Supervisor

Others in attendance:

Sherry Carter, DAS Human Resources (HR)

Diane Lloyd, Department of Justice (DOJ)

John Terpening, LFO

Hayley Morse, DAS/BAM

Bob Short, Robert Short & Associates/OCAPA

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

The Board members elected the Chair and Vice-Chair

Board Action: **Katie moved to elect Board Member Laura Maffei as Chair. Scott Ashford seconded. Motion carried.**

Board Action: **Scott Ashford moved to elect Board Member Katie Jeremiah as Vice-Chair. Laura Maffei seconded. Motion carried.**

**4) Confirm Dates and Locations for 2018 Board meetings:**

Lori Calarruda, Executive Assistant presented the proposed 2018 Board meeting dates and Board Retreat location.

14 The 2018 DOGAMI Board meeting dates:

15

16 April 6, 2018 (Friday) – Portland, OR

17

18 July 16, 2018 (Monday) – Newport, OR – location TBD

19

20 July 17, 2018 (Tuesday) – Board Retreat – Newport, OR – location TBD

21 Note: Ashford suggested the Hatfield Marine Science Center as the location for both July meetings.

22 The actual location will be confirmed at a later date.

23

24 October 1, 2018 (Monday) – Portland, OR

25

26 December 10, 2018 (Monday) – Portland, OR

27

28 Board Action: **Maffei moved to accept proposed 2018 Board meeting dates as presented. Jeremiah**

29 **seconded. Motion carried.**

30

31 **5) Review Minutes of September 18, 2017:**

32 Phipps asked if there were any changes to the minutes as presented. No changes.

33

34 Board Action: **Katie Jeremiah moved to approve the minutes of September 18, 2017 as submitted.**

35 **Laura Maffei seconded. Motion carried.**

36

37 **6) Geologist Stamping/Signing Update:**

38 Director Brad Avy presented an update on the Registered Geologist Stamping/Signing Project on  
39 behalf of Holly Mercer. Mercer has been meeting with licensed geologist in the Department to get  
40 feedback. The Agency will take advantage of DOGAMI's Technical Review Team to align geologists  
41 with staff for appropriate oversight instead of creating another layer or structure in the department.  
42 The Agency expects to have a procedure in place in the next month and implementing it soon after.

43

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

45

46 **7) Strategic Plan Update:**

47 Sherry Carter, with DAS Human Resources, and Communications Director Ali Hansen provided an  
48 update on the strategic planning progress.

49

50 The Agency's Strategic Framework was developed in 2014, through a yearlong process that included  
51 staff, stakeholders and the Governing Board. It was created to allow for creativity and flexibility in  
52 developing specific plans to achieve goals and outcomes. In July, an internal strategic working group  
53 began a process of attaching actions and metrics to the Strategic Framework. The draft document is  
54 in progress, but is anticipated to be ready for Board review in April. A draft document for Board  
55 review is anticipated by the end of this week.

56

57 Rob Hairston-Porter, ReNeea Lofton and Christina Appleby were acknowledged for their contribution  
58 to the strategic working group.

59

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

61  
62 **8) Adoption of the Attorney General's Model Rules of Procedure:**

63 Diane Lloyd proposed the adoption of the current version of the Attorney General's Model Rules of  
64 Procedure. Per Oregon Statute (ORS 183.341) the Attorney General (AG) prepares model rules of  
65 procedure that may be adopted by an agency by reference without following certain rulemaking  
66 procedures.

67  
68 While getting ready for upcoming contested case referrals, Lloyd/DOJ realized that DOGAMI's rules  
69 were still citing the 1997 rules, which have been updated since then. Lloyd wants to make sure they  
70 are citing the most current version.

71  
72 Jeremiah stated that it is a smart move to adopt the most current rules for the reasons stated, but  
73 asked if there are any other agencies that have declined to adopt them and if so for what reasons.  
74 Lloyd said her research has determined that most the natural resource agencies have not adopted  
75 the updated version but just as an oversight like DOGAMI and had not done so intentionally.

76  
77 Maffei asked how frequently the AG updates these rules and should it be kept on the radar. Lloyd  
78 said yes, they should be on the radar but was not aware of any upcoming changes.

79  
80 Ashford asked if the rules take place immediately and if there are any cases that could be affected by  
81 this change. Lloyd said there is one case that could bring this up but she does not believe it will be an  
82 issue. Ashford asked if it effects how meetings are ran and Lloyd said no.

83  
84 Staff recommend that the rule be amended to incorporate by reference the current version:

85  
86 **632-001-0005**

87 **Model Rules of Procedure**

88 (1) Pursuant to the provisions of ORS 183.341, the Board adopts the Attorney General's Model Rules  
89 of Procedure under the Administrative Procedures Act effective [September 15, 1997] **January 31,**  
90 **2012.**

91  
92 Board Action: **Jeremiah moved to amend Rule 632-001-0005 to incorporate the current version of**  
93 **the Attorney General's Model Rules of Procedure as presented. Maffei seconded. Motion carried.**

94  
95 **9) Tsunami Line Update:**

96 A year ago, the Board approved the Agency to do preliminary information gathering for rulemaking  
97 to revise the existing tsunami line based on updated science. There were concerns from the Coastal  
98 Caucus and about potential conflicts related to upcoming International Building Code tsunami  
99 standards.

100  
101 Director Avy and Diane Lloyd provided the Board with an update on the anticipated regulation by  
102 Building Codes related to ASCE 7. Lloyd said there are statutes that direct DOGAMI to draw the  
103 tsunami inundation line through rulemaking based on science to determine where specific structures  
104 cannot be built (hospitals, schools and special occupancy structures). Avy and Lloyd met with  
105 Building Codes Division staff, who view tsunami regulation to be in DOGAMI's jurisdiction. They do

106 not have this topic on their radar and do not intend to do anything unless there is legislative direction  
107 for them to be involved. Lloyd said DOGAMI's view of the statutes directs the Agency to draw the  
108 line but for limited purposes and there is room under Building Codes existing authority to do more  
109 and address other types of structures. DOGAMI does not think it should be involved with  
110 determining how structures should be built.

111  
112 Avy asked the Board for direction on which way they would like staff to proceed.

113  
114 Maffei asked if Building Codes has any codes related to building in the tsunami zone and Lloyd said  
115 no. Ashford said he does not believe it is up to DOGAMI to set the building codes and that the  
116 Agency should be looking at discrepancies between DOGAMI's proposed inundation line and the  
117 ASCE future building code document.

118  
119 Chair Phipps said that the tsunami line is intended to identify those areas that critical infrastructure  
120 should not be sited. The building code would not necessarily preclude development but dictates the  
121 standards that would need to be met from a structural perspective for building a structure. She did  
122 not see a real conflict between the two as they have different intents.

123  
124 Maffei said the conflict would be in the new model code but could be addressed. Ashford said he  
125 would be willing to work with someone to compare the conflicts and then address in the next Board  
126 meeting. Phipps said there is still another conflict about changing the line with the Coastal Caucus.  
127 Jeremiah said she spoke to someone in the hospitality industry on the coast who said the line could  
128 cause issues related to hotel owners and insurance, which could affect them greatly.

129  
130 Ashford and Maffei will work on this issue and asked who they should work with for technical staff  
131 and Avy said Ian Madin. Ashford said he believes he has an idea of where the conflicts are and can  
132 quickly review the issues, then work with Lloyd and a law clerk on specific areas.

133  
134 **10) Public Comment:**

135 Phipps asked for public comment. No public comments.

136  
137 **11) Financial Report:**

138 Kim Riddell, Chief Financial Officer, presented the budget status report as of November 27, 2017.

139  
140 The packet contains the 17-19 Budget Report as of November 27, 2017 in the previous and current  
141 proposed format versions. The handouts included 17-19 budget report as November 27<sup>th</sup> in the  
142 proposed format version, the projects lists, and the FAQ.

143  
144 Riddell acknowledged where the Agency has progressed in the last couple of years. She stated that  
145 Department of Administrative Services (DAS) was not very involved previously, but are now working  
146 closely with the agency, the DAS Chief Financial Office and the Legislative Fiscal Office. Riddell said  
147 DAS now reviews everything, but she can explain the numbers to the Board and offer them any  
148 information they want. She stated the Agency is "no longer doing it alone".

149  
150 Ashford said he is so happy with where the Agency is today compared to where they were before  
151 when he started. Not only working with DAS on the financial piece, but IT and the strategic planning.

152

153 Riddell reviewed the 15-17 budget which is almost final. Other fund remaining balance of \$1.4  
154 million will be carried forward to the next biennium. The federal funds of a positive \$144,721 is a  
155 cleanup that had to be done due to previous biennia not being balanced correctly. However, going  
156 forward federal funds should be balanced at the end of each biennia. The MLRR ending balance is  
157 \$416,864 for AY17.

158  
159 Riddell reviewed AY19 and handed out both old and proposed versions of the document. The  
160 difference between the two is the proposed version contains the projected amounts and what is  
161 anticipated, while the old version was a snapshot in time and was old by the time of the meeting.  
162 She walked through the FAQ document and explained the information on the budget documents.  
163 The actual budget spent is higher than anticipated and may require the Agency to go to the  
164 legislature and ask for a limitation increase. Riddell told the Board that she does not have concerns  
165 regarding the budget at this time. Maffei had questions on the personnel services and asked why the  
166 General Fund seems more this biennium than last. The topic was discussed in depth and Riddell said  
167 that it is based on what projects agency staff are working on.

168  
169 Jeremiah had questions on the MLRR budget. Riddell said she felt the attorney general and other  
170 costs will go down once the new rules are done, although she is unsure about the IT costs.

171  
172 Phipps had a question about the strong motion instrument fund and Riddell said she will add it to the  
173 report as a separate and distinct budget. Riddell said the cash bond fund amounts are not  
174 represented on the budget because they cannot be touched but she can add it on the report to  
175 reflect them.

176  
177 Riddell stated she added other lines—data processing hardware, other capital outlay and indirect so  
178 it is easier for the Board to see the numbers.

179  
180 Ashford stated he is happy to see the projections on the report.

181  
182 Board Action: **Maffei moved to accept the Budget Status Report as presented. Jeremiah seconded.**  
183 **Motion carried.**

184  
185 **Break**

186  
187 Maffei thanked Chair Lisa Phipps for her leadership the last two years and presented her with a  
188 plaque for her service. Avy said it has been a pleasure working with Chair Phipps and she has been  
189 very helpful.

190  
191 **12) MLRR Update:**

192 Ian Madin, Chief Scientist and Deputy Director presented his report on MLRR:

193  
194 **Permitting Status:**

195 The Board packet contained a table showing the permitting status. MLRR staff have eliminated the  
196 backlog and the general permitting is going well. Madin gave credit to Kelly Wood for working on the  
197 permits.

198  
199 **Oil and Gas – Tahe Well:**

200 Enerfin wants to drill a new well on the same pad as the Tambora well due to drilling on the wrong  
201 side of a fault. Due to the location being within five hundred (500) feet of the other well, an  
202 exception is needed. A hearing was held in November but there was one neighbor who was not  
203 notified of the hearing even though they requested to be. Therefore, the staff have pulled together a  
204 transcript of the hearing and items presented at the meeting which have been posted online for  
205 comment until December 15, 2017. After that, a report will be written up and informing  
206 management of the decision.

207  
208

Supervisory Position:

209 Madin mentioned the Agency has started the process for the recruitment of a supervisor position for  
210 the MLRR office who can run the day-to-day items but not be responsible for the policy level items.

211  
212

Permit Revocation:

213 Madin said there was going to be a hearing on a permit revocation but the permittee did not check in  
214 with the administrative division, did not retain counsel and has asked for an extension. The next  
215 hearing is scheduled for some time in February.

216  
217

Sister Agency Reviews:

218 Members of the MLRR staff met with the Washington Geological Survey which has a program similar  
219 to DOGAMI. The staff spent two days with the Washington group who walked them through their  
220 process and staff learned a lot. Washington was in the same boat about five years ago and they have  
221 turned things around. They have a nice integrated field and office database system on a tablet which  
222 is synced back to the database. Reports are automatically generated. Jeremiah asked if that was  
223 internally developed for them and Madin said yes. They have a full-time database manager, because  
224 you need a dedicated person to run it. DOGAMI's CIO is looking to do an RFI but a solution is about  
225 two years out.

226  
227

227 The staff also visited Nevada, which has a more complicated system. They have separate divisions  
228 that do groundwater, abandoned mine lands, oil and gas and geothermal regulation and mining  
229 promotion. Aggregate mines are not regulated in Nevada but MLRR staff did learn more about the  
230 chemical process mine regulation from the Nevada team who were open and willing to share  
231 information. Madin is looking at contracting with them to review some of the agency information  
232 related to Calico. The biggest problem with managing these chemical processed mines is they  
233 continue to generate fluid you must deal with for a long time. The Oregon guidelines establish a  
234 thirty (30) year timeline that it needs to be monitored after the mine is closed, where Nevada does  
235 not even discuss closure until after thirty (30) years and some mines have long terms trusts extending  
236 out one hundred to three hundred (100-300) years. In Nevada, Reclamation, Regulation and Closure  
237 are three different branches.

238  
239

New Application Form and Permit:

240 MLRR staff had wanted to start using the new digital form for aggregate mines after January 1, 2018  
241 but SB 644 and HB 2202 may require them to do more things, so they will hold off on using it to  
242 capture everything. If it will be longer than six (6) months they may still use it.

243  
244  
245

A new permit document will include all the information needed, including reclamation plans, maps,  
responsibilities of permittee and land owners and require both to sign the documents. As amended

246 permits are done, they would be switched over to the new permit document until everyone is  
247 switched over to it.

248  
249 Water Quality Program:

250 Lisa Reinhart is doing a great job getting the program together, resulting in more referrals to DEQ.  
251 She has been contacting permittees for documentation. She has also been putting together a  
252 document to use with permittees and to work with them to clean things up.

253  
254 Double Bonding:

255 There is an issue on sites that have federal land or a combination with federal and private there are a  
256 mix of bonding situations. The joint bonds with BLM are causing problems because of  
257 disagreements with how to reclaim sites.

258  
259 Calico is one that is a combination of federal and private and MLRR has contacted the DOJ who says  
260 DOGAMI should have their own bond. The industry and other states work with BLM by having an  
261 Memorandum of Understanding (MOU) that specifies how both entities will work together to  
262 manage the bond.

263  
264 Calico-Grassy Mountain:

265 Revised Timeline:

266 The application is now expected in May of 2018. DOGAMI organized a state agency workshop in  
267 November to go over the project and worked through the state agencies to find out what would  
268 be required for all the permits that need to be done. There are also cooperating agencies that  
269 have statutory responsibility for protection but do not have separate permits. This was done to  
270 get everyone on board and provide them a heads up that this is coming up and they will need to  
271 do something. There is a whole lot of work that can and should be done before the process gets  
272 started. The company has come to MLRR asking what type of tailings storage facility design is  
273 acceptable and we will work with them to determine everything that should be in it. There is  
274 also an environmental assessment and socioeconomics study that needs to be done by MLRR  
275 using a contractor.

276  
277 Staffing:

278 DOGAMI has signed a contract with DEQ to "rent" Randy Jones to help with this program. It is  
279 expected fifty (50) percent of his time for the first few months will be helping with rule writing  
280 since he has experience in this area. He is contracted through the biennium.

281  
282 MLRR will also have a full-time temp to help with handling the documents and filing and are  
283 looking to have it filled by end of February.

284  
285 There needs to be a full-time monitoring of the program as it is being built and the issue is how  
286 to pay for it. Avy said he appreciates the forward-thinking approach Madin has taken with this  
287 site.

288  
289 SB 644, HB 2202, and Rulemaking:

290 SB 644 has several issues related to aggregate mining. Madin has concerns about the provisional  
291 permits that will start at beginning of January.

292  
293 The Agency wants to make the temporary rule permanent.

294  
295 Cultural resources is one area they may need to do rulemaking for. DOJ was asked if the Agency has  
296 responsibility and if a permit can be denied based on the statute and DOJ said yes.

297  
298 Jordan Cove:

299 There is some possibility that it may need to be permitted as a gravel mine. The Agency was hoping  
300 it could do a construction permit with no reclamation plan since there would not be any reclamation.  
301 There is also a possibility the Agency could permit it as usual which would require a lot of paperwork.  
302 No matter what course is taken, someone is not going to be happy with the outcome.

303  
304 Legislative Concepts:

305 The Agency has a few months before these need to be submitted and Madin is looking at reinstating  
306 the construction exemption in order to not have to deal with construction sites that do not sell  
307 anything. The Exclusion Certificate needs changes to reduce the number of sites where it is required.

308 Jeremiah gave him kudos for going out to other states to get information and not re-invent the  
309 wheel. She supports working to do rulemaking to limit what needs to be done so there is no political  
310 intervention.

311 Ashford said great job of getting through the back log of permits and going out and visiting  
312 Washington and Nevada to get input on best practices and trying to implement them.

313  
314 Briefing: **No Board Action Required.**

315  
316 **13) GS&S Update:**

317 Jed Roberts, GS&S Manager provided an update on GS&S.

318  
319 Roberts acknowledged staff involved in the supervisor rotation program. Bill Burns is outgoing after  
320 one year and recognized him for his work and efforts he made during his time. Jason McCloughry is  
321 continuing a second year. There are two new supervisors – Matt Williams and Alyssa Pratt so the  
322 program is going from two supervisors to three supervisors.

323  
324 Roberts provided a handout detailing the following information.

325  
326 Significant New Projects:

- 327 (1) FEMA – Tillamook County Landslide Mapping and Risk Assessment  
328 (2) NOAA along with DLCDC – Beat the Wave (continuing work) and Tsunami Damage Estimates for  
329 Coastal Cities (new funding)  
330 (3) USGS – Cascadia Earthquake-Induced Landslide Dating  
331 (4) OHA – Earthquake/Tsunami Preparedness Technical Assistance to Coastal Hospitals.

332  
333 Exciting Proposals:



- 334 (1) USGS - Eagle Creek Post Fire Monitoring – proposal to monitor for landslide and debris flows  
335 after significant rain events. Drone program may be available to assist.  
336 (2) Annual STATEMAP Geologic Mapping  
337 (3) Landslide Hazard Mapping for Coastal Communities

338  
339 Major Publications:

- 340 (1) Open-File Report 0-17-03: Landslide Inventory for Eastern Multnomah County – Bill Burns  
341 mapped landslides for eastern portion of Multnomah County – fast tracked it to get it out to help  
342 with post fire.  
343 (2) Revamped Lidar Viewer  
344 (3) Interactive Map Series 56: Statewide Channel Migration Susceptibility – First time statewide map  
345 of channel migration.

346  
347 Briefing: **No Board Action Required.**

348

349 **14) Director's Report:**

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

351

352 Board Member Vacancies:

353 The Agency almost had a senate confirmation in November but now likely in February (Eastern  
354 Oregon Geographic Region). Coastal possibilities are still being pursued. One candidate for the coast  
355 was very qualified but did not actually live on the coast.

356

357 Secretary of State 2016 Audit Follow-Up:

358 The Secretary of State (SOS) asked for a follow-up on their 2016 audit. There were a number of  
359 recommendations in the 2016 audit. The Agency has not yet heard back on its response to the  
360 follow-up. Kim Riddell did a great job of getting the policies in place. There is still one policy left to  
361 do but it should be done by the end of December.

362

363 Organizational/Staffing Changes:

364 Avy walked the Board through an updated Agency organization chart. The number of staff previously  
365 reporting to two supervisors was quite high so having three supervisors is more reasonable.  
366 Continuation of the rotations is being evaluated each year, but for now Avy feels it is a great  
367 investment for the Agency. It is worth the disruption of changing supervisors to create leadership  
368 capacity.

369

370 Ian Madin is releasing the Legislative Coordination role and it is being picked up by Ali Hansen.

371

372 2018 Legislative Session:

373 Ali Hansen said the short session runs February through mid-March. It should be low key and nothing  
374 is expected for new legislation specific to the Agency.

375

376 Avy stated the Agency may need to come back to the legislature to present the budget note progress  
377 report update.

378 Phipps asked about the progress report that was made and if the Agency has moved forward and not  
379 backward. Avy said the one measure that had moved back was related to MLRR and they have made  
380 progress with a detailed plan to move forward.

381  
382 Briefing: **No Board Action Required.**  
383

384 **15) Public Comment:**

385 Phipps asked for public comment. No public comments.

386  
387 **16) Board Adjourn:**

388 Chair Phipps adjourned the meeting at 11:24 a.m. and passed the gavel to Laura Maffei.

389  
390 APPROVED

391  
392   
393 \_\_\_\_\_  
394 Laura Maffei, Chair  
395 *as amended*