

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

Monday, September 25, 2023

8:30 a.m.

Virtual Public Meeting

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

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

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

3

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

5 **seconded. Motion carried.**

6

7 **4) Financial Report:**

8 Steve Dahlberg, Chief Financial Officer, presented the DOGAMI Budget Status Report, as of June 30,

9 2023, ending the 2021-23 Biennium for the Geological Survey and Services (GS&S) and Mineral Land

10 Regulation & Reclamation (MLRR) programs. The Board Packet contained the financial actuals,

11 graphs, and projections; including a high-level chart of the new 2023-35 LAB Budget. The Agency is in
12 a very healthy financial state.

13
14 Kozlowski asked about the MLRR Operating Reserve and its purpose. Dahlberg answered MLRR's
15 Operating Reserve is a 6 month's balance built up to cover the cost of doing business in case of any
16 unforeseen issues/changes.

17
18 Chair Ashford and Kozlowski asked about tracking the costs for outreach and education. Dahlberg
19 said it can be done and will include it going forward.

20
21 Kozlowski asked about the Terrestrial Lidar Scanning device. McClaughry briefly explained it was
22 purchased for the coast to look at coastal bluffs for long term erosion and changes. It is a valuable
23 device and has multiple applications, including being used for landslides.

24
25 Board Action: **Kozlowski moved to accept the Budget Status Report as presented. Medley**
26 **seconded. Motion carried.**

27
28 **5) Agency Key Performance Measures (KPMs) Annual Update:**

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

31
32 Chair Ashford asked if Mt. Saint Helens is part of DOGAMI's assessment for the impact on the State of
33 Oregon, even though it is in Washington. McClaughry said there are several cascade volcanoes that
34 pose risk to Oregon, but it is a significant hazard directly to the Portland area. It is part of DOGAMI's
35 hazard analysis, but not directly studied by the Agency but planning efforts are made with the
36 Cascade Volcano Observatory (CVO). The Hazard Viewer (HazVu) includes all the Oregon volcanoes,
37 but it does not include Mt. Saint Helens.

38
39 Chair Ashford asked if the yearly increasing target for KPM 2 is part of the Agency's planned work.
40 Director Day-Stirrat stated the KPM and metric is focused on population and there is obvious
41 recognition that mapping needs to happen around that state in less populated areas, which is why
42 the KPM has not been met. Another metric being tracked is how much of the State has been
43 mapped, even though it is not an official KPM.

44
45 Gabel explained KPM 4 – Mine Site Inspections, was redefined to an annual metric and is no longer
46 biennial, which is the reason for the blank page in the report; it is an automatically generated
47 placeholder. Gable reviewed the remnant from the old KPM 4 to wrap it up for the Board.

48
49 Chair Ashford asked Lewis what her plan for the new KPM is going forward with the next year. Lewis
50 explained they are working on developing how to track the metric, ensuring the database has the
51 appropriate fields to identify what an active mine site is and be able to track the inspections. Lewis
52 added the reason for lower inspections rates was due to staffing transitions, with the loss of two
53 staff. Ashford asked if aerial information counts as an inspection. Lewis said yes under certain
54 circumstances and a clear protocol will be determined. This KPM metric is for aggregated mine sites
55 only. The Grassy Mountain Project will have a Division 30 and Division 37 aggregate permit within it,
56 and would count towards the KPM once it has been permitted.

57

58 Medley asked how many of the mine site inspections were in person versus aerial imagery and what
59 is the percentage of finding issues. Lewis said close to 100% because visits are usually due to
60 environmental concerns.

61
62 Chair Ashford asked if people get to provide comments as part of the Customer Service Satisfaction
63 Survey KPM 5. Gabel said yes, but those are not quantitative so they are not included in the KPM.
64 Kozlowski asked if the updated website will help with availability of information. Gabel said she is
65 hopeful it will as kinks are worked out. Lewis added that ePermitting will help with availability of
66 information as it will have a Public Records Portal, which automate the delivery of mining records.

67
68 The Board completed their Annual Assessment by answering the required 15 questions, which
69 included review of the Annual Performance Progress Report, also known as the KPMs that will be
70 submitted to DAS.

71

72 **6) Rule Writing:**

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

81

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

85

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

92

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

97

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

101

102 Board Action: **Kozlowski moved to proceed with rule writing for OAR 632-030-0056. Medley**
103 **seconded. Motion carried.**

104

105 **7) MLRR Update:**

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

107

108 Permit Status Summary

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

115

116 Civil Penalties

117 Lewis said there are no new Suspension Orders issued, but there are some on the books. The
118 Program did issue the Civil Penalty for Mining Without a Permit on State Lands to Eckroth for over
119 \$400,000; this was approved by the Board in December. The Respondent does have 20 days to file a
120 Contested Case Hearing. There are no new Civil Penalties for late payments, which shows they are an
121 effective deterrent. Lewis said unmarked permit boundaries continue to be a challenge during site
122 inspections, therefore she will bring a future request to the Board to develop a procedure using Civil
123 Penalties to enforce permit boundary marking, which is a permit condition violation.

124

125 Grassy Mountain

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

132

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

144

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

146

147 **8) GS&S Update:**

148 Jason McClaughry, GS&S Program Manager, provided a brief update on the GS&S program.

149

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

157
158 McClaughry provided a staffing update for GS&S, stating the Program received two new permanent
159 positions; one is for a Mineral Resource Geologist to help with understanding critical mineral and
160 other important economic resources throughout the State, and the second is a Mapping Geologist.
161 Both positions are in different stages of the recruitment process, and have attracted a lot of qualified
162 candidates. GS&S also has a master's candidate at the Portland State University (PSU), Anna
163 Tsitsivas, helping with landslide mapping project in Coos Bay that is funded by the BLM, and a limited
164 duration (LD) Information Specialist, Christian Martinek, to help support IT activities and needs. In
165 addition, due to grant load, a recruitment for an LD NRS 2 Mapping Geologist will be done to help
166 with the Landslide Mapping Program for the rest of the biennium. This will also allow the Agency to
167 be strategic and go after more grant opportunities.

168
169 Medley asked if the Department actively recruits at State colleges. McClaughry said DOGAMI is
170 actively engaged with its university partners and tries to broadcast job announcements widely.

171
172 McClaughry briefly discussed resources the Agency has recently invested in for support of ongoing
173 research, with high resolution aeromagnetic and radiometric data surveys over some target areas of
174 the State. This will be used as match going forward.

175
176 Chair Ashford asked if the work being done and data being developed in Northeast Oregon help build
177 justification for the work to the Federal Government. McClaughry answered yes it does, and it shows
178 the Agency is putting forth a good faith effort to supply match while collecting data to support the
179 community.

180
181 Kozlowski asked if DOGAMI has a connection with the building codes related to the probabilistic
182 mapping in terms of tsunamis, and how will the Agency use that information for communities to
183 determine what can be built and where. McClaughry did not have an immediate answer, but can
184 develop one with one Jon Allan. He stated they are regularly involved in consultations as
185 development projects come up for public infrastructure within the tsunami zone.

186
187 Chair Ashford said with the shift to looking at the probabilistic hazards from a tsunami, he thinks this
188 would be a good opportunity and helpful to educate people on the coast, coordinate with Building
189 Codes, and provide communication around the new guidance.

190
191 Briefing: **No Board Action Required.**

192
193 **9) Director's Report:**

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

195
196 Agency Update

197 Director Day-Stirrat stated the Agency is enacting the Legislatively Adopted Budget with the first
198 stage being the hiring process, which both Programs are in the middle of with very well qualified
199 candidates.
200

201 The second part is Governor Kotek took office in January and issued a large number Agency
202 Expectations, including Strategic Planning/Plans, and Diversity, Equity, and Inclusion Plans, and New
203 Employee Onboarding Process; all are ongoing and in various stages of completeness, but good
204 progress had made on all of them.
205

206 The Agency is slowly beginning the 2025-27 process, which is never too soon to start thinking about
207 directions for the future, which includes carbon sequestration. A new page has been added to the
208 Agency's website that succinctly states where the Agency is today and what the opportunity is for
209 Oregon. This will be developed over the next year to determine if DOGAMI can build Policy Option
210 Packages around it. There is a push towards water and critical minerals, and Day-Stirrat will continue
211 those themes in the Agency's future building; there is a lot of work to do.
212

213 DOGAMI also has 2 years to reimagine what the structure of MLRR will look like, as it faces the reality
214 that there will need to be a fee increase in the next biennium. Medley asked what percentage
215 increase was being considered. Day-Stirrat said probably a significant one, but equally a lot of
216 restructuring in terms of business in general.
217

218 Kozlowski stated it is really exciting about thinking that far in the future as to where DOGAMI needs
219 to be and based on the stability of the organization. The great work that Day-Stirrat and his team
220 have done, gives the Agency the flexibility to really look at the future and take the time to do it.
221 Really excellent work.
222

223 Teeman asked if there is a possibility for a graduated permitting process that might allow those with
224 resources to move through faster by taking a different option, and those smaller operations or do not
225 need it as quickly do an alternative process. Day-Stirrat said that is a discussion the team has had but
226 it needs to be taken to industry to get their reaction/input.
227

228 Teeman asked for federally funded undertakings if there is a separate protocol process that has been
229 established for reaching out to interested parties or if it varies from project to project. Day-Stirrat
230 said it varies from project to project, and used STATEMAP as an example of using the STATEMAP
231 Advisory Board to steer the direction related to mapping. He said he will take her comments, discuss
232 them, and see what the Agency can do.
233

234 Briefing: **No Board Action Required.**
235

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

237 Chair Ashford stated this is his last meeting and it is time to elect a new Chair and Vice-Chair. The
238 Board voted for Linda Kozlowski as Chair and deferred election of the Vice-Chair until the next
239 meeting when all Board Members will be in attendance.
240

241 Board Action: **Ashford moved to elect Board Member Linda Kozlowski as Chair. Medley seconded.**
242 **Motion carried.**
243

244 Kozlowski took over Chair duties for the rest of the meeting.

245

246 **11) Recognition of Board Members:**

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

250

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

252

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

255

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

262

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

264

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

266

267 **12) Confirm Time and Date for Next Quarterly Meeting:**

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

271

272 **13) Public Comment:**

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

275

276 **14) Board Adjourn:**

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

278

279 APPROVED

280

281

282

283

284


Linda Kozlowski, Chair