

GOVERNING BOARD
OREGON DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES

December 4, 2020
8:30 a.m.

Teleconference Public Meeting Agenda

To adhere to the state’s social distancing requirements and to slow the spread of COVID-19, this public meeting will be conducted as a virtual meeting. Written testimony can be submitted in advance, but no later than 12:35 p.m. on the meeting day to lori.calarruda@oregon.gov. Written comments received will be distributed to the Board.

Dial: 1-253-215-8782

When prompted, enter ID number: 924 3063 0694

If prompted for a Password: 110163

Governor Brown’s [Executive Orders](#)

The Board makes every attempt to hold strictly to the sequence of the distributed agenda. Times and topics may change up to the last minute. This agenda is available on the DOGAMI website: www.oregongeology.org.

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|------------------------------------|-----------------|---|
| 8:30 a.m. | Item 1: | Call to Order – Chair Laura Maffei |
| 8:35 a.m. | Item 2: | Introductions – Chair Laura Maffei and Staff |
| 8:40 a.m. | Item 3: | Review Minutes of September 25, 2020 Board Meetings
Board Action: The Board will be asked to take an action on this item |
| 8:45 a.m. | Item 4: | Confirm 2021 Board Meeting Dates
Board Action: The Board will be asked to take an action on this item |
| 9:00 a.m. | Item 5: | Rule Writing – Vaughn Balzer, Rules Coordinator/Sarah Lewis, MLRR Program Manager
Board Action: The Board will be asked to take an action on this item |
| 9:25 a.m. | Item 6: | Civil Penalties – Sarah Lewis, MLRR Program Manager/Cari Buchner, Mining Compliance Specialist
Board Action: The Board will be asked to take an action on this item |
| 9:40 a.m. | Item 7: | Grant Tracker Update – Bob Houston, GS&S Program Manager
Board Action: The Board will not be asked to take an action on this item |
| 10:00 a.m. | Item 8: | Governor’s Recommended Budget (GRB) Update – Amira Streeter, Policy Advisor
Governor’s Office
Board Action: The Board will not be asked to take an action on this item |
| 11:00 a.m. | Break | |
| 11:15 a.m. | Item 9: | Financial Report – Dania Ballard, Chief Financial Officer
Board Action: The Board will be asked to take an action on this item |
| 11:45 a.m. | Item 10: | MLRR Update – Sarah Lewis, MLRR Program Manager
Briefing: The Board will not be asked to take an action on this item |
| 12:00 p.m.
(noon) | Item 11: | GS&S Update – Bob Houston, GS&S Program Manager
Briefing: The Board will not be asked to take an action on this item |
| 12:15 p.m. | Item 12: | Director’s Report – Brad Avy, Director
Briefing: The Board will not be asked to take an action on this item |

12:30 p.m. Item 13: Public Comment

Only written comments received prior to or by 12:35 p.m. on the day of the meeting will be accepted

12:35 p.m. Item 14: Board Adjourn

PLEASE NOTE

AGENDA

The public portion of the Board meeting will begin at 8:30 a.m. and proceed chronologically through the agenda. Times listed on the agenda are approximate. At the discretion of the chair, the time and order of agenda items—including addition of intermittent breaks—may change to maintain meeting flow.

PUBLIC TESTIMONY

Only written comments will be accepted.

REASONABLE ACCOMMODATION OF DISABILITIES

Please contact us at least three business days prior to the meeting to let us know if you need reasonable accommodations. Contact the Director's Office at (971) 673-1555 to make your request.

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Lori Calarruda, Executive Assistant

Date: November 25, 2020

Regarding: Agenda Item 3 – Review Minutes of September 25, 2020 Board Meeting

Attached are draft Board Minutes from the September 25, 2020 Board meeting.

Proposed Board Action: The Board Minutes of September 25, 2020 Board meeting be Approved/Approved as amended/Not Approved.

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

Friday, September 25, 2020

9:35 a.m.

Virtual Public Meeting

1) Call to Order: (Laura Maffei, Board Chair)

Chair Laura Maffei called the meeting to order at 9:39 a.m.

2) Executive Session – Annual Director Review: (Laura Maffei, Board Chair)

Chair Maffei stated the Executive Session for the Director’s Annual Review has been rescheduled to the December meeting.

3) Return to Public Session: (Laura Maffei, Board Chair)

4) Introductions: (Laura Maffei, Board Chair and Staff)

Chair Laura Maffei, Vice-Chair Katie Jeremiah, and Board Members Scott Ashford, and Linda Kozlowski were all in attendance via Zoom video/phone. Diane Teeman was not in attendance

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

Brad Avey, Director/State Geologist
Lori Calarruda, Recording Secretary/Executive Assistant
Dania Ballard, Chief Financial Officer (CFO)
Bob Houston, GS&S Program Manager
Sarah Lewis, MLRR Program Manager
Cari Buchner, Mining Compliance Specialist
Nick Tatalovich, Aggregate Permitting Reclamationist
Steve Dahlberg, Fiscal Analyst

Others in attendance:

Diane Lloyd, Department of Justice (DOJ)
John Terpening, Legislative Fiscal Office (LFO)
Christina Appleby, DOGAMI staff on personal time and as DOGAMI’s SEIU Sub-Local President

Chair Maffei stated this is Katie Jeremiah’s official last meeting as a Board member and expressed appreciation for her service. Jeremiah’s 4-year term is up, and she has decided not to renew for personal reasons, but has agreed to continue on for a few more meetings while a search is made for a new Board member. A photo of a Jeremiah’s recognition plaque for her years of service signed by the Governor was shared on Zoom.

1 **5) Annual Director's Evaluation:** (Laura Maffei, Board Chair)

2 Chair Maffei stated the Executive Session for the Director's Annual Review has been rescheduled to
3 the December meeting.
4

5 **6) Review Minutes of July 13, 2020 and July 28, 2020:**

6 Chair Maffei asked if there were any changes to the minutes as presented. No changes.
7

8 Board Action: **Ashford moved to approve the minutes of July 13, 2020 and July 28, 2020 as**
9 **submitted. Kozlowski seconded. Motion carried.**
10

11 **7) Civil Penalties:**

12 Sarah Lewis, MLRR Program Manager, introduced Cari Buchner, Mining Compliance Specialist, to
13 discuss the Civil Penalties being brought to the Board for approval to proceed.
14

15 Buchner discussed the Mining Without a Permit action taken by the Board on July 28, 2020. On
16 September 1, 2020 they issued the Notice of Civil Penalty package to both respondents, and on
17 September 16, 2020 MLRR received a written request for hearing, which is within the required 20
18 days. DOJ counsel has been assigned and it has been referred to the Office of Administrative
19 Hearings (OAH).
20

21 Lloyd explained to the Board that DOJ assigned the case to an attorney in her office so that in the
22 event this comes before the Governing Board, she can advise the Board. The attorney, with a lot of
23 hearing experience, will be handling these cases for DOGAMI as they proceed.
24

25 Chair Maffei asked Lloyd to explain the next steps. Lloyd said once DOJ refers the package to OAH,
26 then OAH schedules a pre-hearing conference. In the interim, the assigned attorney could decide to
27 reach out to the respondents, and in this case she would not be surprised if the respondents reached
28 out to the DOJ office because there has already been communication with their counsel. But the
29 likely first step would be to schedule the pre-hearing conference.
30

31 Chair Maffei said it seems like DOGAMI is in the beginning of the early stages of a potentially long
32 process. Lloyd said since she has been involved in advising DOGAMI, DOJ has referred other cases to
33 OAH that were not for penalties, and all that were referred have settled. There is the potential that it
34 could be resolved quickly if they are motivated.
35

36 Chair Maffei asked Lloyd how long it would take if this case were to come before the Board. Lloyd
37 said she would not expect this to come before the Board in less than a year if it is worked through the
38 standard Office of Administrative Hearings scheduling process. She thinks OAH is fairly behind
39 schedule because, like most courts, it has been forced to hold hearings mostly by Zoom or other
40 video mechanisms. Chair Maffei thanked Diane for the information.
41

42 Buchner provided an update on the Civil Penalties of \$250 and \$500 for late payments due in March,
43 that were approved to be issued during the last Board meeting. The Notices for Civil Penalties were
44 issued, but no requests for hearing were received, Final Orders were issued on September 10, 2020.

45 Those Civil Penalties payments were actually due on September 20, 2020, but are being allowed
46 some extra time to come in due to the chaos of everything right now and issues with the mail system.
47 Staff will reach out and contact those folks to make sure the Final Orders were received.
48

49 Buchner reviewed the Civil Penalties for late/non-payment of renewal fees for April, May, and June.
50

51 OP-0023: Has absolutely no late payment history and have always paid on time. The permittee sent
52 their renewal form in and said they wanted to close their site. Staff contacted them to let them know
53 that is not the proper way to go about it and had conversations regarding the correct process. The
54 permittee paid their renewal and are in the process of looking for someone to transfer the site to.
55 Given their eagerness to come into compliance once the situation was explained and their lack of late
56 payment history, it is being proposed that they are not cited for this violation.
57

58 OP-0056 and OP-0118: Both are chronic late payers. Both are eligible for the \$500 penalty based on
59 the multiple violations in previous years, including the last 3 years.
60

61 OP-0267 and OP-0269: Both have the same permittee, but OP-0267 does not have a late payment
62 history for the site, and OP-0269 does, now both of their sites are delinquent. It is being proposed
63 that OP-0269 receive a \$500 penalty for chronic late payments, and OP-0267 receive a \$250 penalty
64 that is not waived, which in other cases would have just had the violation documented and the fee
65 waived.
66

67 OP-0070: Is a very chronic late payer. It is being recommend for the \$500 penalty.
68

69 OP-0023 (a different site than the first one): They have been late once in the last 3 years, but this is
70 their first time being referred for a Civil Penalty. This one is being recommended to have the
71 violation noted and the \$250 penalty waived.
72

73 Ashford asked why the fees for OP-0023 has been waived, when it seems like it is similar to others
74 that received penalties. He wants to ensure the Agency is being consistent with penalties. Ashford
75 also asked why the Program is waiting to start collections on the March penalties.
76

77 Lewis addressed the collections delay concern by explaining MLRR has actually seen some significant
78 delays in the mail received by the office. The April and March Department mailings were not all
79 received by permittees. She has asked staff to wait 10-days to ensure that it is not a mail delivery
80 error and then move forward accordingly. Buchner stated the 10-days was up on September 20,
81 2020, and is anticipating to start the process of referring them to collections by mid next week.
82

83 There was a discussion about OP-0023 (the second one). With the site having a late payment history,
84 it was decided to recommend changing the Civil Penalty for non-payment from \$0 to \$250 to ensure
85 consistency with penalties.
86

87 Chair Maffei stated this is the reason why these Civil Penalties are presented to the Board, so they
88 can have the opportunity to make comments and ask questions.
89

90 Board Action: **Ashford moved to allow staff to move forward with Civil Penalties on the presented**
91 **with amendment cases. Kozlowski seconded. Motion carried.**
92

93 **8) Financial Report:**

94 Dania Ballard, Chief Financial Officer, presented the DOGAMI Budget Status Report, as of July 31,
95 2020, for the Geological Survey and Services (GS&S) and Mineral Land Regulation & Reclamation
96 (MLRR) programs.
97

98 Ballard discussed two sets of financials, year ending FY20 and July FY21. The FY20 year-end financials
99 for GS&S include, a one-year revenue budget that closed on June 30, 2020. The second-year revenue
100 budget of \$2,864,393 started July 1, 2020 and was approved on June 5, 2020. Due to two year
101 expense projections and timing of revenue budget approval, there is a temporary negative General
102 Fund balance of \$3,145,802. The difference between \$3,145,802 and \$2,864,393 is mostly related to
103 pending reclassification of expenses initially paid by General Fund; financials will align to the budget
104 once completed. The audit process for FY20 will be completed by December 31, 2020.
105

106 Ballard stated the FY20 projected MLRR ending balance is negative (-) \$113,965. This deficit was
107 expected and is the basis for the fee increase. Ashford asked if the MLRR fee increase going forward
108 will cover the deficit and accumulate a balance since he is assuming it is not retroactive. Dania said
109 that is the expectation, as the fee increase begins in January. If the fee increase had not been
110 approved, the original plans included a layoff scenario by the end of summer. The financials were
111 just received so there is a need to go through and reforecast the months of January through the end
112 of the year; MLRR is anticipating a positive balance by the end of the year. Ashford asked if the fee
113 increase amount will be enough to cover anticipated increased costs and will the Department be able
114 to add staff in the future. Dania replied the fee increase was intended to cover staff at its current
115 levels and to provide a 6-month balance reserve by the end of 5 years or three biennia.
116

117 Avy asked Lewis to provide a quick review of the MLRR fee increase passing the second Special
118 Session. Lewis replied the HB 4302 passed in the second Special Session on August 20, 2020 and was
119 signed by Governor Brown on September 1, 2020. The fees were increased across all the different
120 programs and there is now parity in the overall program with application fees being the same
121 amount. It also provided a complete update, as there have not been any updates since 2015 and
122 some have not seen any in almost 20 years. The fee increase will fund current service levels and
123 build a positive operating balance by the end of this biennium and also a reserve through the 2023-
124 25 biennium. Lewis said Bob Houston, as Legislative Coordinator, led the efforts to make it happen
125 and acknowledged support from Avy and Ballard, along with staff who were key in responding quickly
126 and professionally to requests for information with short turn around. They have done an excellent
127 job of supporting the Department's work with providing accurate numbers to present to the
128 legislature. The increase starts January 1, 2021 and affects new applications and all renewals starting
129 in January. A direct mailer notifying them of changes will be sent out to permittees. There will also
130 be a revised newsletter and updates to the website containing the new fee information. Lewis stated
131 MLRR will be looking at business processes and rulemaking to ensure no fees are duplicated in rule.
132 There is a lot of work to happen in the next 3 months but the Department will get it implemented
133 and communicated out to the regulated community in a professional and straightforward manner.
134 Chair Maffei thanked everyone who was involved and acknowledged it was no small feat in the
135 middle of everything that was going on in the legislature.
136

137 Ballard said the Strong Motion Instrument Fund has an ending balance of \$369,751. There are 58
138 Cash Securities in the Reclamation Guarantee Fund for an ending balance of \$614,207.
139 Administrative cash security processing was recently brought in house to the Business Office in

140 Portland from DAS as a matter of operational continuous improvement and will be facilitated onsite
141 going forward.

142
143 Ballard said the FY21 update is through the end of July, and provided a recap of what has been
144 happening. There has been one month of activity on the books. The second-year revenue has been
145 entered in the system. The GS&S General Fund currently reflects an ending balance of \$26,889,
146 Other Funds has an ending balance of \$278,914, and Federal Funds has an ending balance of \$6,208.
147 The Agency was short budgeted for some personnel and Services and Supplies costs in the first year,
148 but the second-year budget offsets some of the changes. There has also been a reduction in
149 personnel, which is helping with the positive balance.

150
151 The projected FY21 ending balance for MLRR is negative (-) \$115,298. Ballard stated MLRR has not
152 had their projected estimates recalculated for the approved fee increase as of the report date.

153
154 The Strong Motion Instrument Fund has an ending balance of \$305,282 and paid the University of
155 Oregon (U of O) for work done in the month of July. This fund is used to support the instruments
156 that are strategically placed throughout Oregon for strong motion activity. The Reclamation
157 Guarantee Fund has an ending balance of \$639,207 with 58 Cash Securities.

158
159 For general activity, the Agency is becoming more current as it moves forward in its normal routine
160 of processing activities, getting caught up on payables, receivables, and invoicing. All of the
161 outstanding grant financial reporting has been completed and is current to date and is being
162 maintained on a regular basis. No grants are projected to be overbudget. With current processes,
163 there is a reforecast effort that is completed when a grant is within 30% of budget remaining to
164 mitigate any issues of overspending.

165
166 Ashford asked if the funding that went to U of O is for their tsunami warning system or other strong
167 motion work, and if DOGAMI is maintaining the instruments. Ballard said it was related to strong
168 motion instruments for earthquake activity. She briefly explained the program and stated U of O is
169 DOGAMI's contracted partner to purchase and place the instruments throughout Oregon, and USGS
170 will maintain them.

171
172 Board Action: **Kozlowski moved to accept the Budget Status Report as presented. Ashford**
173 **seconded. Motion carried.**

174
175 **9) Key Performance Measures (KPMs) Annual Data Report:**

176 Bob Houston, GS&S Program Manager and Legislative Coordinator, reviewed completed Key
177 Performance Measures (KPMs) 1) Hazard and Risk Assessment Completion, 2) Detailed Geologic Map
178 Completion, 3) Lidar Data Completion, 4) Percent of Permitted Mine Sites Inspected Biennially,
179 5) Customer Services, and 6) Governance. The Key Performance Measures (KPMs) show how the
180 Agency has performed and will be submitted by DOGAMI to the Legislature. The reporting period is
181 for FY20, which is July 1, 2019 to June 30, 2020.

182
183 **KPM 1 – Hazards and Risk Assessment Completion:**

184 Hazard and risk assessments for Urban Growth Boundaries (UGBs) to map earthquake, landslide,
185 tsunami, coastal erosion, volcanic or flooding hazards started with a 42% baseline in 2018. The goal
186 for the KPM is to complete 100% in 10 years.

187
188 Houston stated the actual percentage completed for 2020 is 56% exceeding the goal of 52%. Ashford
189 asked if the first slide was updated for the FY20 target because it references the 2019 target, and if
190 the population of the KPM is biased towards more densely populated urban areas. Houston
191 answered the 2019 information was given to provide the Board background on how well the Agency
192 is doing. The Agency has completed 97% of the 2019 target but exceeded the 2020 target by
193 completing 107%. Houston added it is more biased towards the areas where the funding comes
194 from.

195
196 The challenge is getting funding sources for small, less populated areas to complete the work. The
197 Agency is looking to identify funds at the federal level to pursue and fill out the map in those
198 locations. Ashford said we have done a good job on the coast, but as an Agency it should look at
199 areas of high hazard but no funding, and should look to see what can be done. Houston said this
200 challenge also highlights areas in the state we need to identify funding to provide the science for
201 underrepresented communities and populations, which is a focus of the Governor. Ashford asked if
202 the Agency has the ability to identify those areas of high hazard with no studies completed. Houston
203 said the Agency will identify those areas. Chair Maffei agreed with Ashford.

204
205 Kozlowski said she would support the task. She asked if the coastal region as shown means it has
206 significant community involvement. Houston said it represents the amount of hazard reports that
207 have been completed. It is not quite related to public outreach or engagement. Kozlowski asked
208 who receives those reports. Houston replied the reports are given to local partnerships, community
209 leaders, etc. DOGAMI engages with these groups to provide science to local decision makers.

210
211 Ashford asked about the Santiam Canyon area and if DOGAMI had made any efforts about potential
212 increased landslide hazard resulting from the fires. Houston said he has asked staff to reach out to
213 the local partners in those areas to see what data needs they might have. DOGAMI is potentially
214 looking at more data to be collected in these areas based on DOGAMI's internal expertise, such as
215 additional lidar collection, landslide assessments or the impacts to channel migration due to
216 increased sediment load into the system and erosion.

217
218
219 **KPM 2 – Detailed Geologic Map Completion:**
220 Percentage of Oregon where geologic data in the form of high resolution maps have been completed
221 to be used for local problem solving.

222
223 Geologic mapping is dependent on local, state and federal resources for funding the projects.
224 Houston explained DOGAMI receives advice from the Oregon Geologic Mapping Advisory Committee
225 (OGMAC) to provide guidance on where the Agency will be applying for STATEMAP funding and
226 where the highest needs are. The lavender shaded areas represent the areas that have high
227 resolution mapping completed. Based on data collected in 2020, 62.7% of Oregon's nominal
228 inhabited areas have been completed, which represents 98% of the 2020 target goal of 64%
229 completed.

230
231 Houston stated for Dog River/Badger Lake, located in Hood County and Burns-Butte in the Burns
232 area, the quadrangles have partial areas that overlaps with the nominal inhabited area, which is why
233 the Agency did not reach the goal. He said it is important to map outside the nominal inhabited

234 areas, because the hazards are occurring or could occur, like volcanos, earthquakes or debris flows.
235 He said the statewide coverage is 21%, which is not the metric for this KPM.

236
237 Chair Maffei asked why there was not quadrangle mapping done over part of the population
238 concentration in the Burns-Butte area. Houston explained some of the Burns-Butte area has flat farm
239 fields and not a lot of rock exposure. The area to the west was selected because it has a lot of rock
240 exposure where the faults could be seen that would project into the basin area. It is also an area of
241 geologic importance because it has been identified as a suspected vent for a large ash eruption that
242 happened in the area; it had been previously unidentified as its source. This is a critical piece to
243 understand with respect to the structure and geology of the area, because DOGAMI can map where
244 the rocks are actually exposed. But for the scientific community at large, Jason McClaughry, Carlie
245 Duda, and Ian Madin in collaboration with Mark Ferns (retired DOGAMI geologist) identified where a
246 suspected vent for a large ignimbrite erupted covering a large portion of eastern Oregon; a previously
247 unidentified source. Houston said it is the same discussion about Dog River in Hood County. A
248 mostly uninhabited area but the potential to have bigger impacts on populated areas further away.
249 The mapping is being done because the rocks are exposed in these locations and provides a good
250 idea of the structure, faulting and earthquakes that extend into and could be generated in a larger
251 area that would impact the adjacent nominal inhabited areas.

252
253 Houston said this is an area in the KPM for improvements to be made, the Agency needs to consider
254 other ways of targeting the detailed geologic mapping. Chair Maffei agreed about the KPM and said
255 the question should be where the Agency can map to look at structures going into populated areas,
256 not just mapping populated areas.

257
258
259 **KPM 3 – Lidar Data Completion:**
260 The percent of Oregon with lidar data at USGS quality of Level 2 or better. The higher standards are
261 lower numbers. Obtaining lidar data is based on funding resources. For the first half of the 2019-
262 2021 biennium, 53.28% has been completed. For FY20 DOGAMI reached its goal with 105.25% of the
263 2019 target completed. The Agency was just awarded a proposal for the South Coast lidar collection,
264 which will fill in the white area on the map in Curry County. Houston said getting back to Ashford's
265 point about underserved communities, this is the same issue about the ability to collect funds for
266 these lower populated areas that have been traditionally underserved. Going forward these are the
267 areas that will be collected. At times the Agency does have the ability to recollect data or re-fly an
268 area for change detection and that is what the green areas represent.

269
270 Ashford said the opportunity to fly the fire areas and get the initial data should be done as soon as
271 possible to identify the changes over the course of this winter and will show the value of the lidar
272 data. Houston said he has asked Jake Edwards to reach out to those communities and partnerships
273 to fly those areas. DOGAMI has already had conversations with the US Forest Service on the Holiday
274 Farm fire in the Springfield area. The Agency currently has a collection scheduled for the McKenzie
275 drainage corridor, the river proper, and is looking for opportunities to piggyback on other work to
276 help out where DOGAMI can. It is critical information that is used by emergency responders,
277 agencies, and for hazard assessments.

278
279 **KPM 4 – Percent of Mine Sites Inspected Biennially:**
280 The percent of permitted mine sites inspected for the first half of the 2019-21 biennium is 11% of the
281 total permitted mine sites. FY20 is the first year of the biennium. Factors for the results are related

282 to workload and staffing resources. Houston stated the map was done by Ed Buchner. The map
283 shows the distribution and frequency by shaded dots for mine sites inspected between July 1, 2019
284 to June 30, 2020, with every small black square representing a mine site, 902 of them for this
285 reporting year. Sometimes the sites have to be visited multiple times.

286
287 Chair Maffei asked why are the goals not being met and if the goals are being set too high. Ashford
288 said he thought a conscious decision was made to focus efforts on getting through the permit
289 backlog, but in the future he would like to know if the KPM is in the right place. Lewis said after the
290 discussion with the Board, the Program has focused on permits being processed efficiently and site
291 compliance. Because site inspections often uncover additional problems, Lewis and her staff are
292 trying to ensure they can follow up with those actions appropriately. She said on a positive note,
293 they have been increasing capacity each year by 2% with the current staffing level. COVID-19 has had
294 a real impact as well, due to protocols. Lewis said that it probably should be reevaluated. Maffei
295 stated this is why KPMs are reviewed, to see if they need to be addressed in the future.

296
297
298 **KPM 5 – Customer Service:**

299 Percentage of customers rating their satisfaction with the agency’s customer service as “good” or
300 “excellent”: overall customer service, timeliness, accuracy, helpfulness, expertise, and availability of
301 information.

302
303 Houston said there are two different customer surveys – overall DOGAMI and MLRR specific. During
304 fiscal year 2020, DOGAMI received 202 customer response surveys, which is a slight increase over last
305 year, in which the Agency received 198 surveys.

306
307 The target goal of the KPM is 95% of responses as good or excellent for each category. From the
308 results, the Agency had a slight reduction in satisfaction across all categories from 2019. Chair Maffei
309 point out that compared to responses from 2017 and 2018, the Agency is high above that.

310
311 Helpfulness: 85% (89% of the target goal)
312 Overall: 89% (93% of the target goal)
313 Accuracy: 84% (88% of the target goal)
314 Expertise: 86% (90% of the target goal)
315 Availability of Information: 85% (89% of the target goal)
316 Timeliness: 85% (89% of the target goal)

317
318
319 **KPM 6 – Governance:**

320 For Governance, on an annual basis the Board reviews and responds affirmatively or negatively to the
321 best practice criteria. The time period covered is for July 1, 2019 to June 30, 2020. The Board went
322 through and responded to the list of 15 required questions; the answers will be submitted to the
323 Legislature through the formal process.

324
325 Board Action: **Kozlowski moved to approve completed Key Performance Measures (KPMs) of the**
326 **Annual Progress Performance Report as presented. Ashford seconded. Motion carried.**

327
328 [Note: The full KPM report is included in the December Board Packet.]
329

330 **Break**

331

332 **10) Permitting Process Presentation:**

333 Sarah Lewis, MLRR Program Manager, introduced Nick Tatalovich, Aggregate Permitting
334 Reclamationist, to present the Permitting Process presentation.

335

336 Tatalovich's presentation on the Surface Mining Programs (ORS 517) Division 30 Aggregate Mining
337 Process, focused on the Operating Permit Application Process. He stated these make up 85% of
338 permits issued by MLRR.

339

340 Tatalovich started the presentation with a quick overview of the surface mining process. He said it
341 starts for the applicants at the Land Use level to site the mine. Applicants then approach DOGAMI to
342 begin the Operating Permit Application process. Once the application is reviewed by staff and other
343 agencies, the permit is issued with site specific conditions. Once the permit is issued, mineral
344 extraction begins. The permit needs to be renewed annually, with reported production to the
345 Department. Site inspections take place throughout the life of the mine to check compliance with
346 permit conditions and ensure they are abiding by statute and rule to reduce offsite impacts from
347 mining. Once mineral extraction has ceased from either resources being exhausted or the permittee
348 wanting to close the site, site reclamation begins and DOGAMI inspects the site to confirm the
349 reclamation. If everything is good, DOGAMI then releases the reclamation security and the mine site
350 is closed.

351

352 The Operating Permit Application process takes approximately 6 months but can be much longer for
353 complex sites. It starts with land use authorization and an optional Pre-Application Meeting. Once
354 the application is received it is reviewed to ensure it has complete operating and reclamation plans,
355 required maps, a site inspection, and the reclamation security. During this time, there may be
356 multiple conversations with the applicant, as most applications are not complete as submitted. A
357 draft permit is then written and is circulated to other agencies for technical review. The circulation
358 period is 35 days. After the response comments are received, they are reconciled and resolved.
359 Then a final permit is issued.

360

361 Tatalovich discussed how land use approval is required for sites in Oregon. Mine site approval for
362 location rests with the applicable land use authority, which can be individual counties or federal
363 agencies (such as BLM or USFS). Unless already zoned for a mining-compatible use, land use for mine
364 sites can be obtained through a zone change via the Goal 5 process called the Post-
365 Acknowledgement Amendment Plan (PAPA) or a county issued Conditional Use Permit (CUP).
366 Counties typically impose conditions to the PAPAs and CUPs around operating hours, road
367 approaches and/or noise and visual buffers. They typically defer to DOGAMI for reclamation
368 activities, as long as the plans match with local zoning. He said on average, about 75% of applicants
369 have land use in place prior to beginning the Operating Permit Application process.

370

371 Pre-Application Meetings usually take place in the MLRR office in Albany, Oregon. The meeting
372 allows DOGAMI and the applicant to get on the same page. It also allows DOGAMI to review the
373 documentation and maps the applicant has and provide technical assistance to the applicant to help
374 the process go smoother. The Department will also suggest the applicant consult with other agencies
375 to help determine if additional information or surveys are required. If additional materials are
376 required, they need to be submitted with the DOGAMI application materials.

- 377
378 The Permit Application materials consist of:
379 • Application Form and Fee
380 • Applicable Supplemental Forms and Fees
381 • Proof of Land Ownership
382 • Operation and Reclamation Plans
383 • Maps
384 ○ Permit boundary survey map
385 ○ Site plan map
386 ○ Reclamation plan map
387 ○ Cross section profiles
388 • Reclamation Security
389

390 The step of verifying materials includes the standard Permit Application form with the fee of \$1,750,
391 which is increasing to \$2,000 on January 1, 2021. In special circumstances, supplemental forms and
392 fees are requested for slope stability, wetlands, floodplain sites, and/or groundwater impacts. Once
393 land use and landowner approvals are confirmed, the administrative entry of information and
394 creation of a paper file occurs; digital files are also created for better retainment of information. An
395 upgrade has been done to the Access database to allow for better tracking, supplemental reports,
396 compliance, renewals, deposits, and reclamation securities.
397

398 The technical review of the application includes the Operating and Reclamation Plans, required maps,
399 site inspection, and Reclamation Security.
400

401 **The Operating Plan:** Outlines how the mine will be developed and operated to minimize off-site
402 impacts. DOGAMI compares the plans to the land use approvals to ensure consistency. Mining
403 safety and occupational hazards during the mining process are federally regulated by the Mine Safety
404 and Health Administration (MSHA).

405 The Operating Plan includes:

- 406 • Development Plans/Equipment
407 • Water Source/Management
408 • Designated Setbacks & Buffers
409 • Visual Screening
410 • Vegetation Management
411 • Soil/Overburden Salvage and Stabilization
412 • Surface Mining Excavations
413 • Stormwater Management
414

415 **The Reclamation Plan:** At the end of mining, the site will be reclaimed to a post-mine beneficial use
416 that is compatible with the local zoning.

417 The Reclamation Plan includes:

- 418 • Post Mining Land Use
419 • Reclamation Schedule
420 • Final Excavation and/or Fill Slopes
421 • Working Floor Reclamation
422 • Importation of Fill

- 423 • Backfilling Operations
- 424 • Pond/Wetlands Reclamation
- 425 • Growth Medium Replacement
- 426 • Revegetation, Planting/Seeding Techniques
- 427 • Drainage, Stormwater Control and Site Cleanup

428
429 **Permit Boundary Survey Map:** The purpose is to clearly delineate the extent of permitted mine
430 activities. It is required for all applications for new Operating Permits or Amendments and all sites
431 with disturbances larger than 20 acres. The Aggregate Permitting Reclamationist and GIS Specialist
432 work hand in hand with the applicant and their surveyor to ensure the Permit Boundary Survey Map
433 produced meets standards, driven by statute and rule. Typically, there are several iterations of this
434 map before it is finalized, stamped, signed, and delivered to DOGAMI.

435
436 **Site Plan Map:** The additional details show mining related activities to scale.

437
438 **Initial Site Inspection:** Is required by statute to inspect new sites initially and by programmatic
439 decision to inspect all amendments and transfers. Sites are initially inspected to document site
440 conditions prior to excavation and other mining related activities commencing and verify technical
441 feasibility of site plans. The Stormwater Reclamationist also inspects if there is a need for coverage
442 under the DEQ stormwater or process water permit(s).

443
444 **Reclamation Security:** Reclamation Security provides adequate financial security for the purpose of
445 ensuring completion of the reclamation plan or reclamation by the Department. It is calculated
446 based on acres of disturbance on the ground and within 12 months of permit issuance. The amount
447 varies based on site type and number of acres of disturbance. This is a pre-condition to permit
448 issuance and must be in place prior to management approval. A Letter of Credit and Performance
449 Bond, or Assignment of Deposit and cash up to \$50,000 are all acceptable forms of security. The
450 MLRR Reclamation Security Fund holds the cash securities.

451
452 **Drafting the Permit:** DOGAMI writes up a 5-10 page summary. The proposed permit conditions are
453 found nested within the Operation and Reclamation Plan Summary sections. The “Note to Reviewing
454 Agencies” summarizes:

- 455 • Site Location & Land Ownership
- 456 • Site History
- 457 • Land Use
- 458 • Site Conditions (via site inspection)
- 459 • Operation Plan Summary
- 460 • Reclamation Plan Summary
- 461 • Reclamation Security
- 462 • Proposed Permit Conditions
 - 463 ○ 13 standard conditions
 - 464 ○ Site-specific conditions

465
466 **Circulation to Reviewing Agencies:** DOGAMI permit applications are not open for public review but
467 are circulated to other agencies for review for a period of 35 days. Concerns raised during the
468 circulation are addressed by DOGAMI permit conditions and direct work with other agencies and
469 tribes.

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State:

- Water Resources Department
- Oregon Department of State Lands
- Oregon Department of Fish and Wildlife (ODFW)
- Oregon Historic Preservation Plan
- Department of Environmental Quality (DEQ)

Federal:

- US Fish & Wildlife Service
- US Department of Agriculture Forest Service
- US Army Corps of Engineers
- US Department of the Interior Bureau of Land Management (BLM)

Tribal:

- Grand Ronde
- Siletz
- Coos, Lower Umpqua, Siuslaw
- Coquille
- Crow Creek Umpquas
- Warm Springs
- Umatilla
- Burns Paiute
- Klamath

Local Land Use Authority:

- County or city/town
- US Department of the Interior Bureau of Land Management (BLM)
- US Department of Agriculture Forest Service

Response to Comments: When comments are received, DOGAMI facilitates communication between the applicant and the commenting agency. Comments must be addressed prior to permit issuance and may be addressed in the form of permit conditions or further studies/surveys.

Operating Permit Issuance: An Operating Permit is issued once the following have been accomplished:

- Reclamation Security Received
- Final Signed Permit Boundary Survey Map Received
- All Comments Addressed via Additional Surveys or Permit Conditions*
- Approval from Management to Issue the Permit

*If required elements are incomplete, then DOGAMI may issue a Provisional Operating Permit rather than a denial, but no mineral extraction may occur until applicant receives approval from the agency with the outstanding requirement(s).

MLRR has focus areas for improving the application process, which include proactive early engagement with applicants to clearly communicate expectations of requirements and process;

517 reviewing agencies to minimize new requests late in the process; site-specific reclamation security
518 calculations; and ePermitting, an online external interface to streamline submission, payments,
519 processing, and renewals.

520
521 Jeremiah said it was a great presentation and Chair Maffei, Ashford and Kozlowski agreed. Maffei
522 said it was extremely informative and thorough.

523
524 Kozlowski asked when ePermitting will be implemented. Lewis said it is a Legislative Concept and
525 Policy Option Package in the FY21-23 budget request. If approved by the legislature, it could take
526 approximately 4 years to implement. All the small incremental improvements being made right now
527 are to help better position the Department to move into an online system.

528
529 Briefing: **No Board Action Required.**

530
531 **11) MLRR Update:**

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

533
534 MLRR Fee Increase

535 Lewis said the fee increase was discussed during the financial section and asked for any additional
536 questions. No questions were asked.

537
538 Permit Status Summary

539 Lewis reviewed the detailed list of permits; there are not a lot of changes. Site inspections are still
540 being limited to those required for regulatory action. She stated the Department has received more
541 complaints during the summer due to COVID-19 and people being at home.

542
543 Permits are being processed in a reduced amount of time. The ones taking more than 1 year are in
544 floodplain areas that are very complex in nature.

545
546 Civil Penalties have been in place for one full year now. Of the 984 renewals and for the 172 at risk,
547 only 5% received Civil Penalties. In April when there were issues with mail delivery related to COVID-
548 19 protocols. Thirteen Notices of Violations were issued and after permittees reached about not
549 receiving the renewal notices, staff responded with only two Civil Penalties. Lewis acknowledged
550 Cari Buchner for her work in developing the program, and her staff for their teamwork and
551 communication efforts when challenges happen so they respond appropriately to applicants and the
552 public.

553
554 Lewis stated she is pleased with how staff has continued to be productive as about half the staff is
555 working remotely. She is really proud of the group for the level of service they continue to provide.

556
557 Rulemaking Update

558 Lewis said MLRR is in the middle of the Rules Advisory Committee (RAC) process for HB 2202, High
559 Value Farmland in the Willamette Valley. The second RAC meeting was held in the first week of
560 August and a third meeting is scheduled for October 8. She anticipates it will be the final meeting for
561 this rule effort. The draft rules will be presented to the Board for approval at an upcoming meeting.

562 Vaughn Balzer has been leading this effort and he has taken over for Bob Houston (now GS&S
563 Program Manager) as Rules Coordinator for the Agency.

564

565 Grassy Mountain Update

566 Lewis said in early August, DOGAMI and Calico's Chief Financial Officer and Project Manager held a
567 quarterly meeting. DOGAMI provided budget to actual reports of project expenditures and activities.
568 Calico raised no concerns. Lewis considers that a success. On September 15, 2020, Paramount Gold,
569 the Parent company for Calico, issued a press release stating the newly completed Feasibility Study
570 confirms the economic viability of the proposed Grassy Mountain project. This information is in line
571 with the actions of the applicant to reengage the State on developing the additional information that
572 was requested after the Application Review in February of 2020. To date, Calico has met with the
573 Oregon Department of Fish and Wildlife (ODFW) on the Wildlife Baseline Data and Mitigation Plan
574 and has met three times with DOGAMI technical staff to start talking about overall application issues
575 and requirements. Ian Madin and Bob Brinkmann are leading the technical work with support from
576 our consultant, Cardno. Lewis continues to meet with Calico every other week to provide
577 coordination and continuity. She does see activity picking up in the next several months. Kozlowski
578 congratulated Lewis and said it is an exceptional/great job.

579

580 Ashford said it was a fabulous update and thanked Lewis for her work and said since her coming on
581 board things have turned around. Chair Maffei thanked Lewis and said these updates help the Board
582 have a better sense on what MLRR does.

583

584 Avy added during his Director's report that that Lewis has done a great job as the MLRR Program
585 Manager and has played a strong role in instilling confidence in the program.

586

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

588

589 **12) GS&S Update:**

590 Bob Houston, GS&S Program Manager, provided an update on the GS&S program.

591

592 Houston stated he is now the permanent manager of the GS&S Program and is sharing the Legislative
593 Coordinator duties with Director Avy. Since the last update to the Board, there have been seven new
594 publications and a couple of alerts for landslides in the Western Cascades related to the recent rain
595 events. So far, a total of 12 publications have been released in 2020, with an additional fourteen
596 more going through the internal review process for geologic maps, risk assessments, and landslide
597 reports.

598

599 Released

- 600 1. Natural hazard risk report for Tillamook County, Oregon
- 601 2. Tsunami evacuation analysis of Nehalem Bay, Tillamook County, Oregon [Beat the Wave]
- 602 3. Coos Bay tsunami modeling: Toward improved maritime planning response
- 603 4. GIS data and method for determining maximum-considered local and distant tsunami wave
604 arrival data for the Oregon coast
- 605 5. Maritime Tsunami Response Guidance for the Port of Coos Bay, Coos County, Oregon
- 606 6. Mineral information layer for Oregon, Release 3 (MILO-3) Digital Data Series and Web map
- 607 7. Oregon Geologic Data Compilation, release 7 (OGDC-7, statewide)

608
609 Houston discussed the recent grants DOGAMI has been awarded, including an Interagency
610 Agreement (IAA).

611
612 Grants/IAA Received

- 613 • \$492,191 – NOAA - National Tsunami Hazard Mitigation Program
- 614 • \$702,000 – FEMA Cooperating Technical Partnership Risk Map Program (2 projects)
 - 615 ○ \$65,000 to support outreach and technical assistance for Oregon Communities
 - 616 ○ \$637,000 to support geological hazard mapping and risk assessment projects
- 617 • \$110,198 – USGS Oregon Stratigraphic Project (statewide)
- 618 • \$936,791.50 – BLM - OLC South Coast 2020 lidar project
- 619 • Established an IAA with DSL for GIS services

620
621 There is a total of 30 active grant projects staff are working on.

622
623 Houston talked about the wildfires. He has instructed staff to reach out to State and local partners to
624 see what the Agency can do to provide information or share skillsets to help first responders,
625 planning departments and emergency managements. A new data sharing agreement/MOU has been
626 completed, with the help from the Business Office, to make it easier to accomplish these requests.

627
628 Houston said he did a rotation as a researcher to help Lane County Emergency Operations Center by
629 writing web content that covered a varied range of topics in support of Lane County's PIO to help
630 evacuees of the Holiday Farm Fire. He said it was a very rewarding experience to be able to work and
631 see the behind the scenes of an Emergency Operation Center (EOC). During one of the daily
632 briefings, one of DOGAMI's landslide maps was being used and shown to responders, which he was
633 able to speak to. Houston thanked Laura Gabel for stepping in to be point of contact for staff,
634 Director Avy for returning from vacation early, and staff for their flexibility and understanding to
635 allow him this opportunity.

636
637 Kozlowski said it is exciting having someone work in the EOC with the connection to DOGAMI and the
638 practical application of all of the research the Agency does is important. She was thrilled he had the
639 experience to share his knowledge with Lane County and thanked him and all of DOGAMI for
640 stepping up to help.

641
642 Chair Maffei said it occurred to her during the flashflood alerts after the fires, of how the mapping
643 was a knowledge base that was useful for emergency planning. The experience for DOGAMI with an
644 emergency agency is helpful.

645
646 Briefing: **No Board Action Required.**

647
648 **13) Director's Report:**

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

650
651 DOGAMI's Permanent GS&S Program Manager

652 Avy formally recognized Bob Houston as the new permanent GS&S Program Manager. He said
653 Houston comes from the private sector, has international geology experience, and 20 years with
654 DOGAMI in both MLRR and GS&S programs. Houston's specific experience includes:

- 655 • 9 years of direct supervisor experience in other positions
- 656 • 10 years as an Oregon Registered Geologist
- 657 • Energy resource geologist
- 658 • Hydrocarbon and metallic ore geologist
- 659 • Oil, gas and geothermal senior mining Reclamationist
- 660 • Agency Rules Coordinator
- 661 • Expert Witness
- 662 • Interim Legislative Coordinator
- 663 • Agency Lead for the COOP Plan (activated and meeting every day since March due to COVID-19)
- 664 • Agency Risk Assessment Lead
- 665 • Key Performance Measure Lead
- 666 • Interim GS&S Program Manager

667
668 Avy said Houston brings strong technical leadership, budgeting, project management, and
669 communication skills to the position. Avy asked Houston where in Africa he did his international
670 work. Houston replied he helped out the Namibia Geologic Society and Survey for mapping,
671 identifying some metallic ore resources and earth minerals and talked about their potential
672 geothermal resources.

673
674 Update: Internal Communications Plan

675 Avy stated the Leadership Team has met a couple of times and updated the Internal Communications
676 Plan. Sarah Lewis has agreed to take on the lead for monitoring and evaluating the Agency's progress
677 on implementing the plan and to keep it on track. The next step is for staff to provide input on the
678 most recent version that was forwarded to the Board on August 5, 2020. Feedback from staff is
679 anticipated in December or January.

680
681 Strategic Planning 2022-2028

682 Avy said there remain uncertainties for the FY21-23 Agency Request Budget and Policy Option
683 Packages (POPs). At this point, the Agency does not know if there will be funding available for a
684 strategic planning facilitator. Even though the recent revenue forecast is positive, it could change.

685
686 All the POPs in all the agencies' budgets have been declined/rejected. Every agency has an
687 opportunity for an appeal to reinstate their POPs. DOGAMI expects to have an appeal meeting take
688 place within a few weeks. The next revenue forecast is November 18, 2020. The Governor's Budget
689 will be completed in late November or early December, but the Agency will likely not know until late
690 spring what the final 2021-23 biennium budget will be for the Agency.

691
692 Briefing: **No Board Action Required.**

693
694 **14) Confirm Time and Date for Next Meeting:**

695 Chair Maffei stated the next DOGAMI Board is currently scheduled for Friday, December 4, 2020 at
696 8:30 a.m. – 1:00 p.m. in Portland. She confirmed this date is still acceptable for the Board. The next
697 meeting will include the Director's Evaluation.

698

699 **15) Public Comment:**

700 Only written comments received prior to or by 1:35 p.m. on the day of the meeting were to be
701 accepted. Chair Maffei asked for any written public comments. No public comments.

702

703 **16) Board Adjourn:**

704 Chair Maffei adjourned the meeting at 12:53 p.m.

705

706 APPROVED

707

708

709

710 _____
Laura Maffei, Chair

711

DRAFT

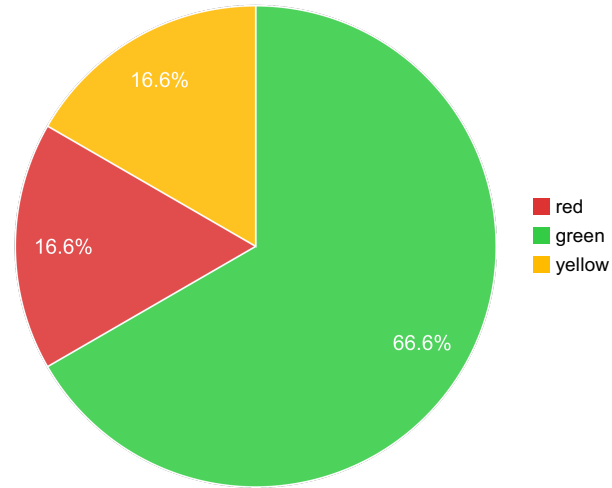
Geology & Mineral Industries, Department of

Annual Performance Progress Report

Reporting Year 2020

Published: 9/30/2020 1:26:27 PM

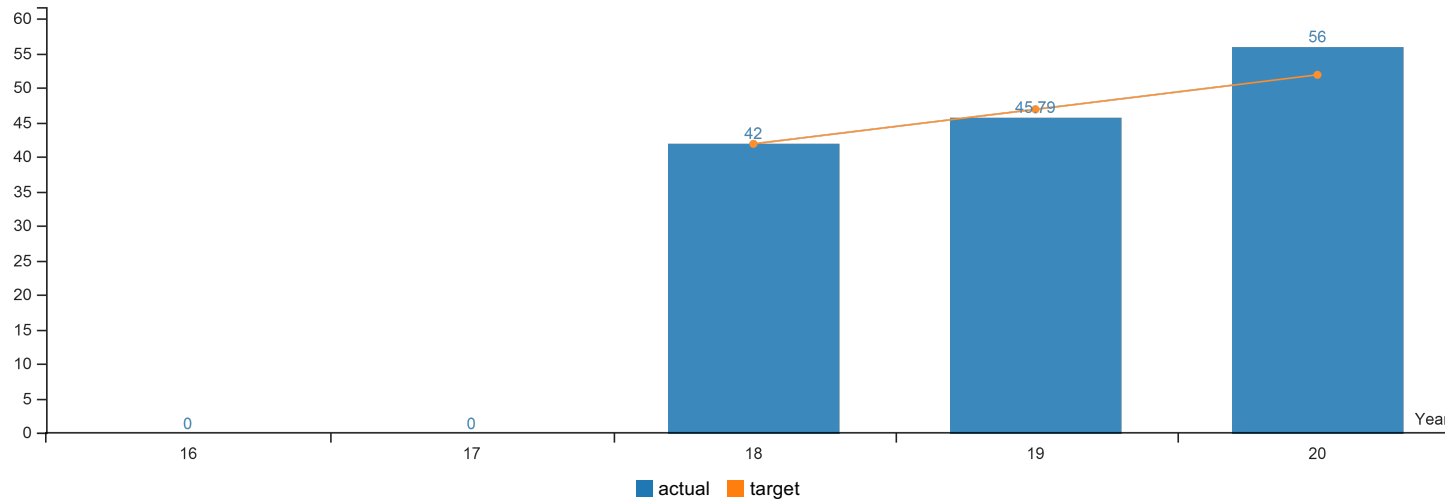
KPM #	Approved Key Performance Measures (KPMs)
1	HAZARD AND RISK ASSESSMENT COMPLETION - Percent of population residing in Oregon Urban Growth Boundary Areas (UGBs) that have completed geologic hazard and risk assessments that are suitable to initiate Department of Land Conservation and Development goal 7 planning for earthquake, landslide, tsunami, coastal erosion, volcanic and flooding hazards.
2	DETAILED GEOLOGIC MAP COMPLETION - Percent of Oregon where geologic data in the form of high resolution maps have been completed to be used for local problem solving.
3	LIDAR DATA COMPLETION - Percent of Oregon (sq. miles) with lidar data at USGS quality level 2 or better.
4	PERCENT OF MINE SITES INSPECTED BIENNIALLY - Percent of permitted mine sites inspected biennially.
5	CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.
6	GOVERNANCE - Percent of yes responses by Governing Board members to the set of best practices.



Performance Summary	Green	Yellow	Red
	= Target to -5%	= Target -5% to -15%	= Target > -15%
Summary Stats:	66.67%	16.67%	16.67%

KPM #1	HAZARD AND RISK ASSESSMENT COMPLETION - Percent of population residing in Oregon Urban Growth Boundary Areas (UGBs) that have completed geologic hazard and risk assessments that are suitable to initiate Department of Land Conservation and Development goal 7 planning for earthquake, landslide, tsunami, coastal erosion, volcanic and flooding hazards.
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2016	2017	2018	2019	2020
HAZARD AND RISK ASSESSMENT COMPLETION					
Actual	No Data	No Data	42%	45.79%	56%
Target	TBD	TBD	42%	47%	52%

How Are We Doing

KPM # 1 was legislatively approved during the 2017 Legislative Session and tracks the percent of population residing in Oregon Urban Growth Boundary Areas (UGBs) that have completed geologic hazard and risk assessments that are suitable to initiate Department of Land Conservation and Development goal 7 planning for earthquake, landslide, tsunami, coastal erosion, volcanic and flooding hazards.

The agency has completed 108% of the 2020 target.

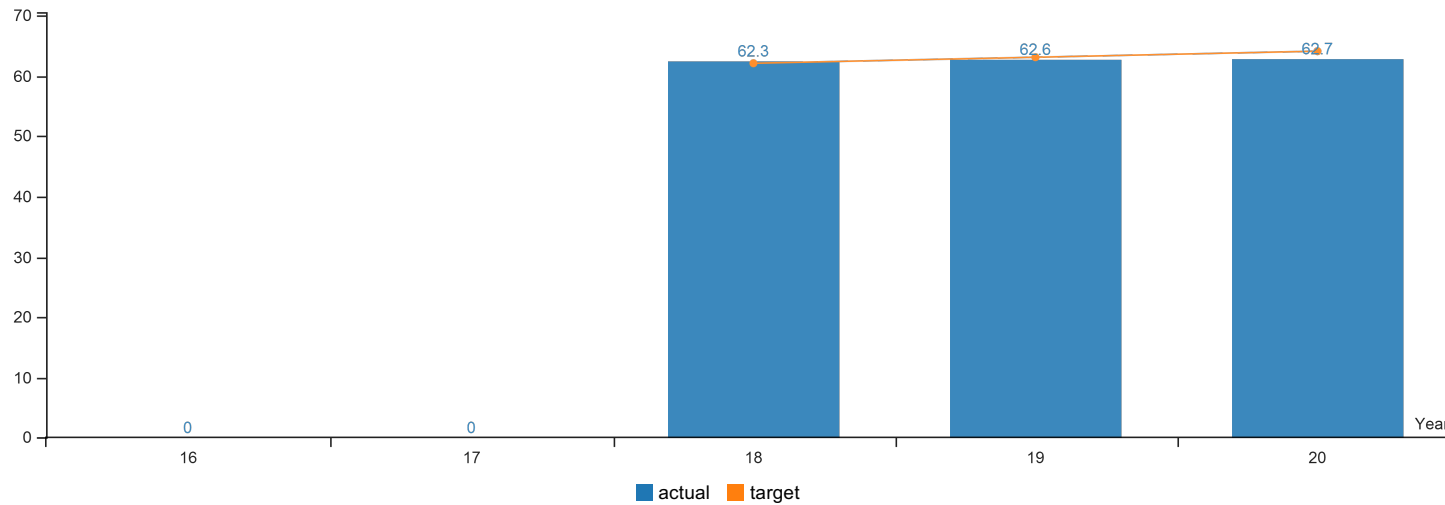
Factors Affecting Results

The completion of hazard and risk assessments are dependent on funding from local, state, and federal resources.

KPM #2 DETAILED GEOLOGIC MAP COMPLETION - Percent of Oregon where geologic data in the form of high resolution maps have been completed to be used for local problem solving.

Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2016	2017	2018	2019	2020
DETAILED GEOLOGIC MAP COMPLETION					
Actual	No Data	No Data	62.30%	62.60%	62.70%
Target	TBD	TBD	62%	63%	64%

How Are We Doing

KPM # 2 was legislatively approved during the 2017 Legislative Session and tracks the completion of high resolution geologic maps in Oregon's nominal inhabited area.

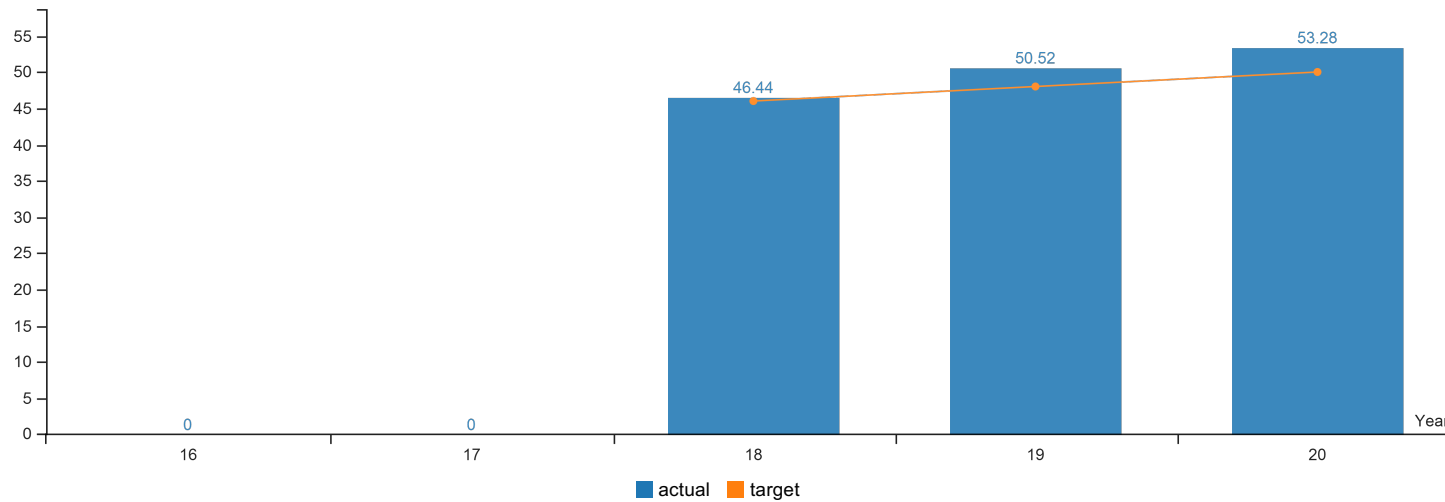
The agency has completed 98% of the 2020 target.

Factors Affecting Results

Creating high resolution geologic maps in nominal inhabited areas are dependent on funding from local, state, and federal resources.

KPM #3	LIDAR DATA COMPLETION - Percent of Oregon (sq. miles) with lidar data at USGS quality level 2 or better.
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2016	2017	2018	2019	2020
LIDAR DATA COMPLETION					
Actual	No Data	No Data	46.44%	50.52%	53.28%
Target	TBD	TBD	46%	48%	50%

How Are We Doing

KPM # 3 was legislatively approved during the 2017 Legislative Session and tracks the percentage Oregon with lidar data at USGS quality level 2 or better. The agency gathered this data from July 1, 2019 through June 30, 2020 and determined the percentage of Oregon with existing lidar data at USGS quality level 2 or better.

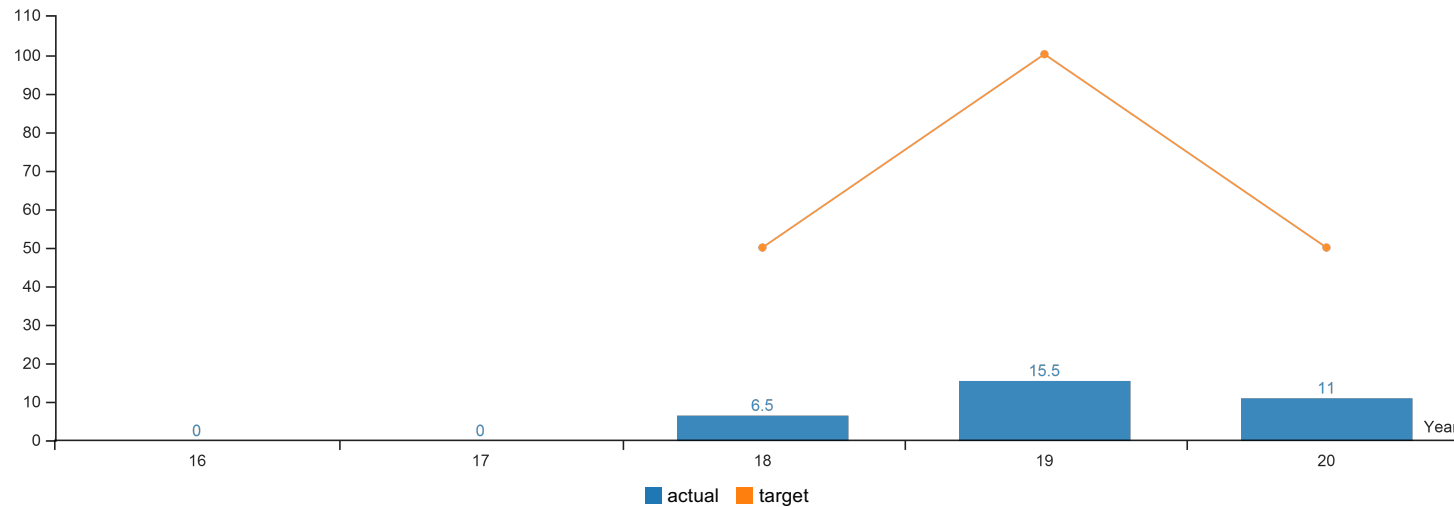
The agency has completed 107% of the 2020 target.

Factors Affecting Results

Obtaining lidar data is dependent on funding through local, state, and federal resources.

KPM #4	PERCENT OF MINE SITES INSPECTED BIENNIALLY - Percent of permitted mine sites inspected biennially.
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2016	2017	2018	2019	2020
Percent of permitted mine sites inspected biennially;					
Actual	No Data	No Data	6.50%	15.50%	11%
Target	TBD	TBD	50%	100%	50%

How Are We Doing

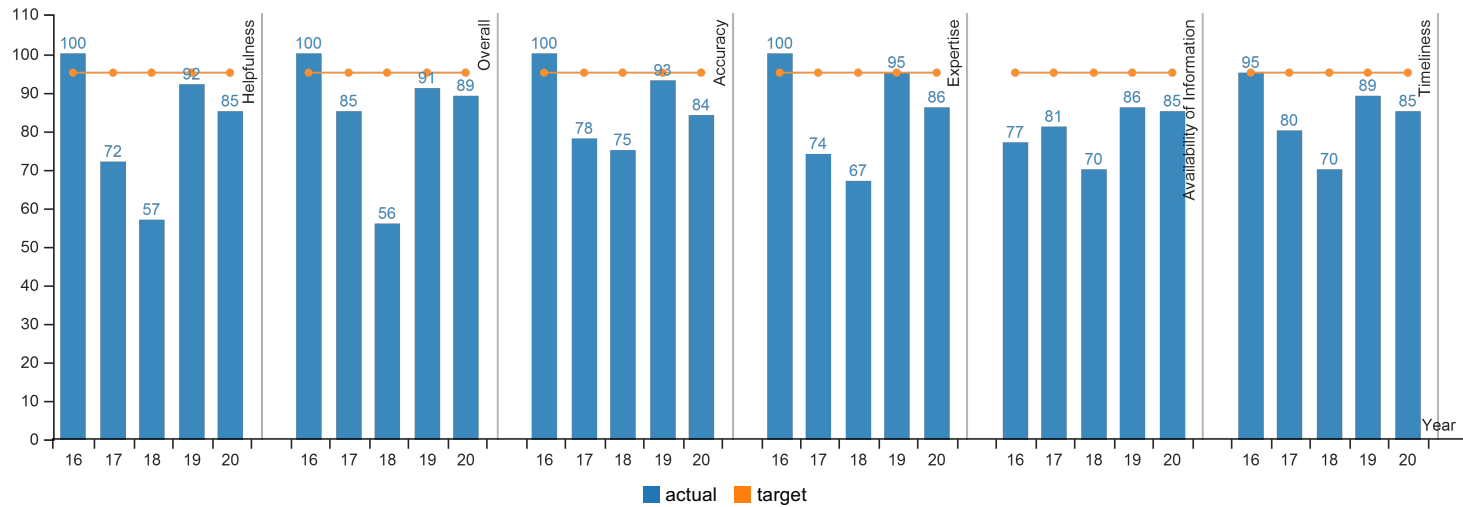
The KPM was legislatively approved during the 2017 Legislative Session and tracks the percentage of the total number of permitted mine sites inspected biennially. The target percentage of permitted mine sites inspected during the first half of the biennium is 50% of the total number of permitted mine sites. The target percentage of permitted mine sites inspected within the entire biennium (first half and second half of the biennium) is 100% of the total number of permitted mine sites. The 2020 data represents the percentage of the total number of permitted mine sites inspected during the first year of the biennium.

The agency has completed 11% of the 2020 biennium target.

Factors Affecting Results

Completing sites inspections is dependent on funding and staffing resources.

KPM #5 CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.
 Data Collection Period: Jul 01 - Jun 30



Report Year	2016	2017	2018	2019	2020
Helpfulness					
Actual	100%	72%	57%	92%	85%
Target	95%	95%	95%	95%	95%
Overall					
Actual	100%	85%	56%	91%	89%
Target	95%	95%	95%	95%	95%
Accuracy					
Actual	100%	78%	75%	93%	84%
Target	95%	95%	95%	95%	95%
Expertise					
Actual	100%	74%	67%	95%	86%
Target	95%	95%	95%	95%	95%
Availability of Information					
Actual	77%	81%	70%	86%	85%
Target	95%	95%	95%	95%	95%
Timeliness					
Actual	95%	80%	70%	89%	85%
Target	95%	95%	95%	95%	95%

How Are We Doing

Based on 205 survey responses, the agency's customer service performance has improved across all areas in 2020.

For each category, the agency has obtained:

89% of the "Helpfulness" target in 2020;

93% of the "Overall" target in 2020;

88% of the "Accuracy" target in 2020;

90% of the "Expertise" target in 2020;

89% of the "Availability" target in 2020; and

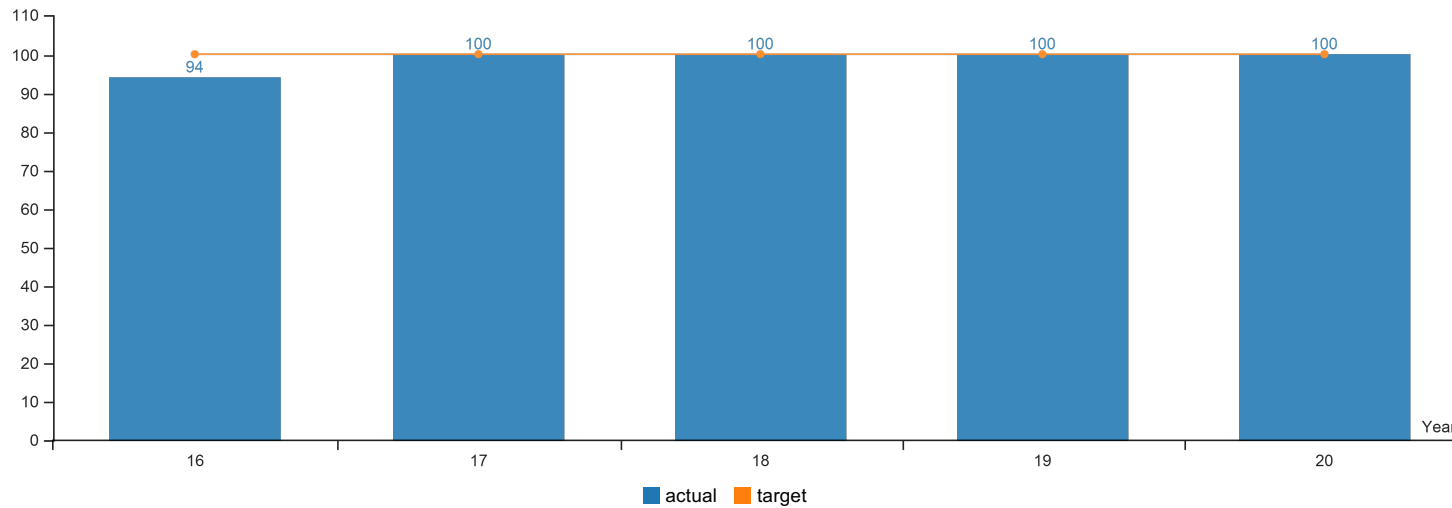
89% of the "Timeliness" target in 2020.

Factors Affecting Results

Customer surveys responses were gathered following meetings and in response to an online survey program from geoscience stakeholders. Multiple factors can influence response rates. Opportunities to improve customer survey engagement is a continuing focus moving forward.

KPM #6	GOVERNANCE - Percent of yes responses by Governing Board members to the set of best practices.
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2016	2017	2018	2019	2020
Metric Value					
Actual	94%	100%	100%	100%	100%
Target	100%	100%	100%	100%	100%

How Are We Doing

Best Practice Criteria: 1) Executive Director's performance expectations are current; 2) Executive Director receives annual performance feedback; 3) The agency's mission and high-level goals are current and applicable; 4) The Board reviews the Annual Performance Progress Report; 5) The Board is appropriately involved in review of the agency's key communications; 6) The Board is appropriately involved in policy-making activities; 7) The agency's policy option packages are aligned with their mission and goals; 8) The Board reviews all proposed budgets; 9) The Board periodically reviews key financial information and audit findings; 10) The Board is appropriately accounting for resources; 11) The agency adheres to accounting rules and other relevant financial controls; 12) The Board members act in accordance with their roles as public representatives; 13) The Board coordinates with others where responsibilities and interests overlap; 14) The Board members identify and attend appropriate training sessions; 15) The Board reviews its management practices to ensure best practices are utilized.

The agency has completed 100% of the 2020 target.

Factors Affecting Results

The Board and Agency have worked diligently to formalize the standard operating policies and procedures in administration, finance, human resources and information technology. In addition, the Board has completed the Director's Performance Evaluation for 2020.

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Lori Calarruda, Executive Assistant

Date: November 25, 2020

Regarding: Agenda Item 4 – Confirm 2021 Board Meeting Dates

Below are the Proposed 2021 Board Meeting Dates.

Proposed dates:

March 12, 2021 (Friday) – alternate dates are:

- March 5, 2021 (Friday),
- March 19, 2021 (Friday), or
- March 11, 2021 (Thursday)

June 25, 2021 (Friday) – alternate dates are:

- July 9, 2021 (Friday),
- July 16, 2021 (Friday), or
- July 15, 2021 (Thursday)

September 17, 2021 (Friday) – alternate dates are:

- September 16, 2021 (Thursday) or
- September 28, 2021 (Tuesday)
- *Note: KPMs are due October 1, 2021

December 10, 2021 (Friday) – alternate dates are:

- December 17, 2021 (Friday) or
- December 16, 2021 (Thursday)

Proposed Board Action: The Proposed Board Meeting Dates be Approved/Approved as amended/Not Approved.

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board
From: Vaughn Balzer, Rules Coordinator, and Sarah Lewis, MLRR Program Manager
Date: November 24, 2020

Regarding: Agenda Item 5 – Rule Writing

Vaughn Balzer, Rules Coordinator, and Sarah Lewis, MLRR Program Manager, will present the draft rule text for HB 2202: Aggregate Mining on High Value Farmland in the Willamette Valley.

Proposed Board Action: The Board will be asked to take an action on this item.

Proposed Rule Writing

Establishing a new rule

OAR 632-030-00XX [[Check with SOS to determine new rule number (propose 632-030-0023); additions are in bold text]]

Aggregate Mining on High Value Farmland in the Willamette Valley

(1) For the purposes of this rule, the following definitions apply:

- (a) “Significant aggregate resource” means the average minimum depth of aggregate, determined by rule of the Land Conservation and Development Commission, that is required for a local government to find that the aggregate resource is significant pursuant to a statewide land use planning goal that protects natural resources and conserves scenic, historic and open space resources.**
- (b) “Substantially all” in the context of this rule means; approximately 90% of the significant aggregate resource anticipated to be available for excavation at the time an application is submitted to DOGAMI, or approximately 90% of the significant aggregate resource actually found within all or a specific portion of the approved excavation area.**
- (c) “Thickness of the aggregate layer” means the depth of the water-lain deposit of sand, stones, and pebbles of sand-sized fraction or larger, minus the depth of the topsoil and nonaggregate overburden.**

(2) This rule applies to the following:

- (a) Applications for new operating permits when all of the following circumstances exist:**
 - (i) The applicant proposes to mine an aggregate resource,**
 - (ii) The proposed mining operation is located within the Willamette Valley,**
 - (iii) Excavation for the proposed mine will disturb high value farmland composed predominately of Class I and Class II soils; And**
 - (iv) The area where the proposed mining operation will be located has been listed as a significant aggregate resource site by the local government with jurisdiction and the listing is based in part on the thickness of the aggregate layer pursuant to the rules of the Land Conservation and Development Commission OAR 660-023-0180.**
- (b) Applications for amended operating permits for mine sites where this rule is already applicable, or where the amendment proposes to expand the**

excavation area onto land not already approved for mine excavation when all of the following circumstances exist:

- (i) The applicant proposes to mine an aggregate resource,**
- (ii) The proposed mining operation is located within the Willamette Valley,**
- (iii) Excavation for the proposed mine will disturb high value farmland composed predominately of Class I and Class II soils; And**
- (iv) The area where the proposed mining operation will be located has been listed as a significant aggregate resource site by the local government with jurisdiction and the listing is based in part on the thickness of the aggregate layer pursuant to the rules of the Land Conservation and Development Commission OAR 660-023-0180.**

(3) An operating permit for a mining operation subject to Section (2) of this rule must require the operator to excavate substantially all of the significant aggregate resource, except in any of the following areas:

- (a) Areas designated as buffers or setbacks established in the operating permit,**
- (b) Areas needed to meet sloping requirements in the operating permit or reclamation plan,**
- (c) Areas where aggregate removal is limited by other operating permit requirements or permit conditions that are imposed to protect health, safety, or the environment; and**
- (d) Areas where aggregate removal is limited by the requirements imposed under the regulatory authority of a federal agency, local government, or other state agency.**

(4) Before the Department issues a new or amended operating permit subject to Section (2) of this rule, the applicant must demonstrate to the satisfaction of the Department that the applicant has the mechanical ability to comply with the requirements established in Section (3) of this rule. An applicant must demonstrate mechanical ability to comply with the rule by providing the following:

- (a) A detailed plan describing the equipment, techniques, and order or sequence of mining operations that will be used to complete the excavation of substantially all of the significant aggregate resource except where excavation is limited as provided for in Sections (3)(a) – (3)(d) of this rule. The plan may be based on geotechnical borings, geophysical surveys, direct observations, or other methods acceptable to the Department; and**

(b) Include a detailed contour map showing the proposed geometry of the excavation area following the removal of the significant aggregate resource throughout the mine site prior to the placement of any proposed reclamation backfill material.

(c) The plan required under Sections (4)(a) - (4)(b) of this rule does not require the applicant to address the excavation of aggregate below the depth of the significant aggregate resource.

(5) The Department will not approve partial or final reclamation, including final closure of an operating permit subject to this rule, unless the operator has demonstrated compliance with Section (3) except where excavation is limited as provided for in Sections (3)(a) - (3)(d). If any portion of the excavation area is proposed to be backfilled as part of the reclamation plan, the permittee must demonstrate to the Department's satisfaction that the significant aggregate resource has been removed in compliance with Section (3) of this rule prior to the placement of any reclamation backfill material. Documentation of compliance with Section (3) of this rule must be submitted to the Department for approval prior to the Department considering any partial or final reclamation including final closure of the Operating Permit. The documentation must demonstrate, to the satisfaction of the Department, the final excavation depth throughout the mine site, including individual mine cells, and removal of substantially all of the significant aggregate resource in compliance of Section (3) of this rule. Documentation may include but not be limited to:

(a) Post mining bathymetric surveys, excavation logs, or other documentation of adequate resolution and precision acceptable to the Department, in cases where mining resulted in a water filled excavation pit; Or

(b) Remote sensed data, topographic surveys, or other documentation of adequate resolution and precision acceptable to the Department, in cases where mining resulted in a dry excavation pit.

Amendments to existing rules

[[Added text is shown in bold with underlining; deleted text is shown with strikeouts.]]

632-030-0010

Definitions

(1) "Affected," as used in ORS 517.750(15)(a), means the disturbance by excavation or any other surface mining of any land surface during any stage of mineral production, or the covering of any land surface by surface mining refuse either by intentional placement, slope failure, or deposition of eroded materials.

(2) "Aggregate" means crushed or uncrushed gravel, stone, rock, or sand of a quality typically used in concrete or road construction.

(3) "A Period of 12 Consecutive Calendar Months," as used in ORS 517.750(15) and these rules, begins on the date surface mining begins.

(4) "Complete Application" means an application that is determined to be complete by the Department that includes the appropriate fee, forms, and site characterization, operational and mine closure details, and other documentation required under this rule division.

(5) "Compliance Order" means an order requiring compliance with an operating permit, reclamation plan, the Mined Land Reclamation Act, or the rules adopted thereunder as provided in ORS 517.860 and OAR 632-030-0070.

(6) "Intensification" means a change of permitted mining activity over that approved by the local government that may warrant a reconsideration of the local government land-use decision, such as a significant increase in volume of production inside a mine permit boundary or the act of increasing the permit boundary. Intensification would not include an increase in the bonded area to be mined, within a larger area covered in the original operating permit.

(7) "Limited Exemption Area" means land that is exempt from reclamation requirements under ORS 517.770 and OAR 632-030-0017.

(8) "Mined Land Reclamation Act" or "Act" means the statutes codified at ORS 517.702 to 517.992.

(9) "Permit Area" means the area covered by an operating permit issued by the Department and defined by boundaries submitted on a map acceptable to the Department under OAR 632-030-0015. The permit area is generally a contiguous parcel and may include multiple excavation and/or processing areas. The permit area may include, but is not limited to, haul roads, buffers, setbacks, reclaimed areas, and areas used for the storage or disposition of any mine product or mine waste material from the surface mining operation, even though separate from the area of extraction. The permit area may be redefined by a permit amendment.

(10) "Reclamation in a timely manner" means a schedule of reclamation based on mine progression and may require partial or concurrent reclamation where possible,

considering the mine plan and available mineral resources or both. The Department may specify a timeframe within which reclamation must occur to protect adjacent natural resources.

(11) "Substantial Modification" includes an intensification of, or a significant change in, mine operation or reclamation. For example, substantial modification includes mine dewatering if not previously permitted as part of the original mine plan or reclamation plan approval or mine operation activities that render the approved reclamation plan unattainable or infeasible to implement or accomplish.

(12) "Suspension Order" means a written Department order to suspend mining operations issued under ORS 517.880 and OAR 632-030-0040.

(13) "Willamette Valley" means Clackamas, Columbia, Linn, Marion, Multnomah, Polk, Washington, and Yamhill counties and the portions of Lane and Benton Counties east of the summit of the Coast Range.

632-030-0020

Procedures for Applying for an Operating Permit

(1) - (3) no changes

(4) For applications on high value farmland in the Willamette Valley subject to OAR 632-030-00XX, the applicant must also provide the information as outlined in OAR 632-030-00 XX(4).

(5) The applicant must submit a performance bond or alternative form of security acceptable to the Department for the purpose of assuring performance of the reclamation plan, other requirements of ORS 517.750 to 517.900, all rules thereunder, and permit conditions. A performance bond or alternative form of security must be in effect and approved by the Department under OAR 632-030-0021 prior to any disturbance of the land. **The performance bond or alternate form of financial security is not required to cover the costs of excavation required by OAR 632-030-00XX(3).**

~~(5)~~**(6)** If the applicant fails to meet the requirements of sections (1) through **(5)** of this rule within 12 months after the application is submitted, the application is deemed to have been withdrawn. The applicant may resubmit an application without prejudice, but the new application must be accompanied by a new application fee.

632-030-0021

Performance Bonds and Alternative Forms of Security

(1) – (12) no changes

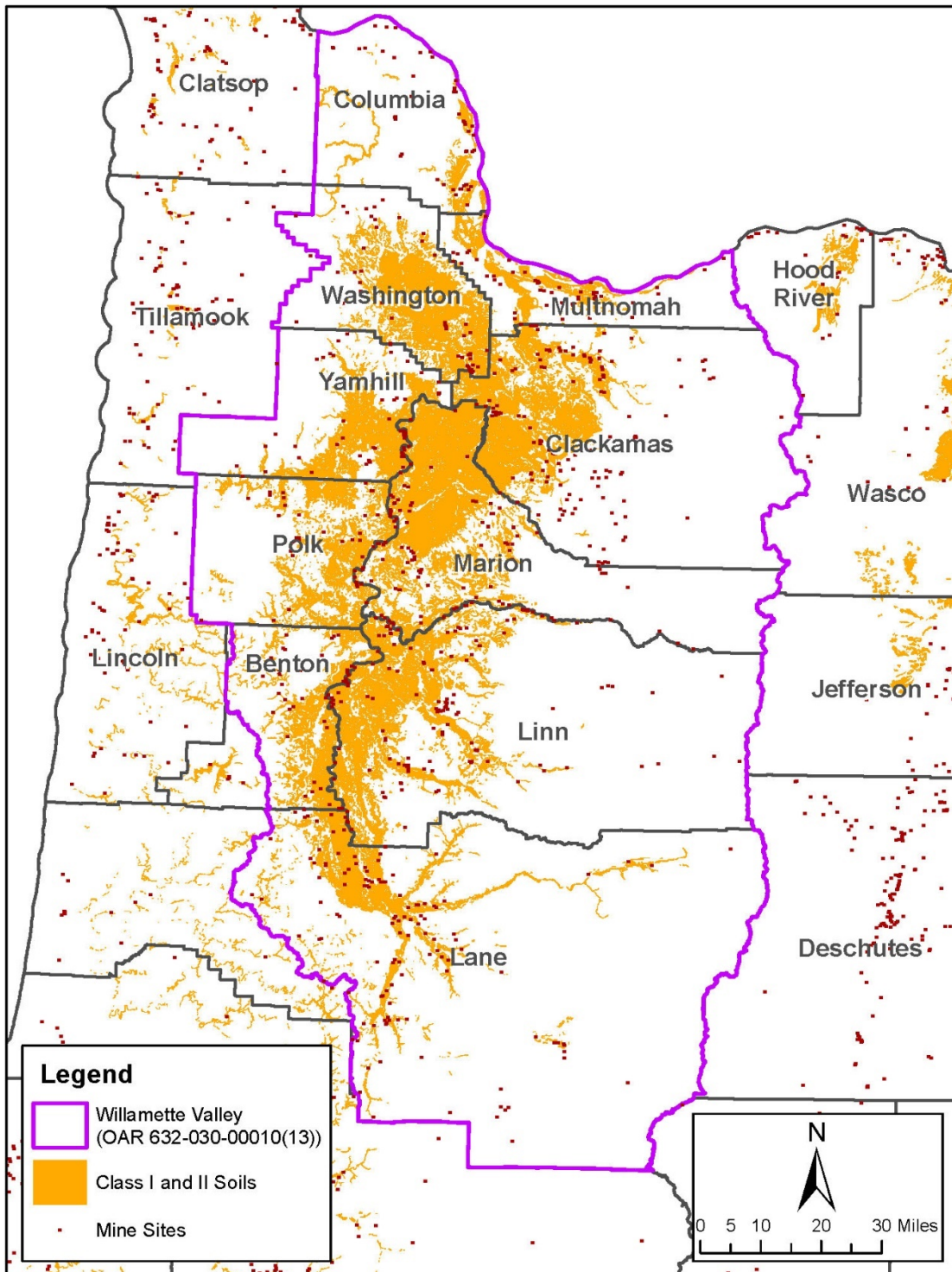
(13) The performance bond or alternate form of financial security is not required to cover the costs of excavation required by OAR 632-030-00XX(3).

632-030-0030

Department Action on Reclamation Plan and Operating Permit Application; Provisional Operating Permits; Local Government Actions

(1) – (8) no changes

(9) The minimum time periods for Department action established by this rule do not apply to applications on high value farmland in the Willamette Valley that are subject to OAR 632-030-00XX. The Department will process applications subject to OAR 632-030-00XX, in a timely manner by making a completeness determination within 120 days of receipt of an application and, making a permit decision within 90 days after determining the application is complete.



Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Sarah Lewis, MLRR Program Manager, and Cari Buchner, Mining Compliance Specialist

Date: November 25, 2020

Regarding: Agenda Item 6 – Civil Penalties

Sarah Lewis, MLRR Program Manager, and Cari Buchner, Mining Compliance Specialist, will present program recommended Civil Penalties.

Proposed Board Action: The Board will be asked to take an action on this item.

Non-Payment of Renewal Fee – Civil Penalty Fact Pattern Matrix (*as of 11/24/20)

#	Site Type-ID	Timeline			Days in violation (total)	Late Pay History		Mitigating Factors, Other Considerations (status)	Penalty Amount			
		Renewal Fee Due	Renewal Fee Paid	Civil Pen. Paid		Freq. of occurrence	Length of delay		Max (\$1,000*days)	Standard	Staff Recc.	Board Approved
21	OP-0192	8/31/20	-		25 (86)*	0/3 yr 1/12 yr	~1 yr	Mid-transfer – receiving permittee has agreed to pay the renewal fee.	\$25,000*	\$250	Waive	
20	EC-0039	8/31/20	-		25 (86)*	None	None		\$25,000*	\$250	Waive	
19	EC-0225	8/31/20	-		25 (86)*	None	None	Same permittee as EC-0071 below	\$25,000*	\$250	Waive	
18	EC-0071	7/31/20	-		56 (117)*	0/3 yr 1/20 yr	~60 days	Same permittee as EC-0025 above	\$56,000*	\$250	Waive	
17	OP-0070	6/30/20	-		86 (152)*	3/3 yr 11/13 yr	3-8 mos	(Request for hearing due 12/9/20)	\$86,000*	\$500	\$500	\$500
16	OP-0023	6/30/20	9/16/20		17 (79)	1/3 yr 3/17 yr	~3 mos	(Request for hearing due 12/9/20)	\$17,000*	\$250	\$0	\$250
15	OP-0269	6/30/20	11/16/20	11/16/20	78 (140)	2/3 yr 3/11 yr	4-5 mos	Same permittee as OP-0267 below	\$78,000	\$500	\$500	\$500
14	OP-0267	5/31/20	11/16/20	11/16/20	109 (170)	0/3 yr 1/11 yr	~5 mos.	Same permittee as OP-0269 above	\$109,000	\$250	\$250	\$250
13	OP-0118	5/31/20	9/1/20		33 (93)	2/3 yr 12/40 yr	2-6 mos.	(Request for hearing due 12/9/20)	\$33,000*	\$500	\$500	\$500
12	OP-0056	4/30/20	-		144 (209)*	3/3 yr 6/8 yr	2-5 mos.	(hearing not requested, final order in preparation)	\$144,000*	\$500	\$500	\$500
11	OP-0023	4/30/20	8/24/20	N/A	55 (115)	0/27	None	Improper closure attempt	\$55,000	\$250	Waive	Waived
10	OP-0050	3/31/20	8/3/20	10/7/20	64 (126)	0/3 yr 3/24 yr	~1-2 mos.	Insists closed per agreement with reclamantist – had paid despite repeat communications	\$64,000	\$250	\$250	\$250
9	OP-0053	3/31/20	6/24/20	9/28/20	25 (85)	3/3 yr 12/26 yr	1-9 mos., x̄~3 mos.		\$25,000	\$500	\$500	\$500
8	EC-0017	1/31/20	4/21/20	N/A	20 (80)	None	None	Didn't request closure prior to renewal due	\$20,000	\$250	Waive	Waived
7	OP-0125	11/30/19	2/12/20	N/A	11 (71)	0/3yr 3/12yr	~3 mos.	Permittee (city)	\$11,000	\$250	\$0	\$0
6	OP-0033	10/31/19	2/12/20	N/A	41 (101)	0/3yr 5/10yr	~3 mos.		\$41,000	\$250	\$0	\$0
5	EC-0093	9/30/19	1/3/20	N/A	32 (92)	None	None	Out of date contact information, corrected & paid.	\$32,000	\$250	Waive	Waived
4	OP-0074	9/30/19	12/4/19	N/A	4 (64)	0/3yr 2/27yr	< 3 mos.	Contact information incorrect in database, resent 11/6/219, paid.	\$4,000	\$250	Waive	Waived

Non-Payment of Renewal Fee – Civil Penalty Fact Pattern Matrix (*as of 11/24/20)

#	Site Type-ID	Timeline			Days in violation (total)	Late Pay History		Mitigating Factors, Other Considerations (status)	Penalty Amount			
		Renewal Fee Due	Renewal Fee Paid	Civil Pen. Paid		Freq. of occurrence	Length of delay		Max (\$1,000*days)	Standard	Staff Recc.	Board Approved
3	OP-0040	8/31/19	11/15/19	2/26/20	15 (75)	2/3yr 8/9yr	4-13 mos.		\$15,000	\$500	\$500	\$500
2	EC-0116	8/31/19	11/8/19	N/A	8 (68)	None	None	Requested closure at renewal; misunderstood need to renew.	\$8,000	\$250	Waive	Waived
1	OP-0035	8/31/19	11/4/19	N/A	4 (64)	None	None	Permittee (county) / landowner miscommunication	\$4,000	\$250	Waive	Waived

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Bob Houston, GS&S Program Manager

Date: November 24, 2020

Regarding: Agenda Item 7 – Grant Tracker Update

Bob Houston, GS&S Program Manager, will provide a Grant Tracker update for DOGAMI.

Proposed Board Action: The Board will not be asked to take an action on this item.

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Amira Streeter, Natural Resources Policy Advisor - Governor's Office

Date: November 24, 2020

Regarding: Agenda Item 8 – Governor's Recommended Budget (GRB) Update

Amira Streeter, Natural Resources Policy Advisor - Governor's Office will provide an update on the Governor's Recommended Budget (GRB) for DOGAMI.

Proposed Board Action: The Board will not be asked to take an action on this item.

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Dania Ballard, Chief Financial Officer

Date: November 25, 2020

Regarding: Agenda Item 9 – Financial Report

Attached is the DOGAMI Budget Status Report, as of September 30, 2020 for the Geological Survey and Services (GS&S) Program and the Mineral Land Regulation & Reclamation (MLRR) Program.

Proposed Board Action: The Budget Status Report be Approved/Not Approved as presented.



TO: DOGAMI Governing Board

FROM: Dania Ballard, Chief Financial Officer

DATE: November 20, 2020

SUBJECT: Financial Operations and Reporting

Board Governance

The Board has a duty to provide guidance related to operational decision making and to affirm the Agency is appropriately managing its financial resources. Four key areas of responsibility include:

- The Board reviews all proposed budgets;
- The Board periodically reviews key financial information and audit findings;
- The Board is appropriately accounting for resources; and
- The Agency adheres to accounting rules and other relevant financial controls.

In addition to operational communication, this memo will include topical areas of discussion related to these objectives with the expectation of inquiry and follow up as needed to support Board governance.

Fiscal Year 2021

The month of September (FY21) is closed. Revenue collections, accounts payable, indirect cost capture and financial system structure set up are becoming routine.

Geological Survey & Services (GS&S) Program				
As of September 30, 2020				
	2019-21 Actual + Projected Revenue & Expenditures			
	General Funds	Other Funds	Federal Funds	All Funds
Total Available Revenue	\$ 5,398,573	\$ 1,840,151	\$ 3,278,353	\$10,517,077
Total Expenditures	\$ 5,168,989	\$ 1,555,123	\$ 3,278,353	\$10,002,465
GS&S Ending Balance	\$ 229,584	\$ 285,028	\$ -	\$ 514,612

The General Fund currently reflects an FY21 ending balance of \$229,584. This ending balance is reflective of vacancy savings and personnel services projection realignment. The Other Fund ending balance is \$285,028.

Mineral Land Regulation & Reclamation (MLRR) Program				
As of September 30, 2020				
	2019-21 Actual + Projected Revenue & Expenditures			
	General Funds	Other Funds	Federal Funds	All Funds
Total Available Revenue		\$ 3,877,334		\$ 3,877,334
Total Expenditures		\$ 3,548,874		\$ 3,548,874
MLRR Ending Balance	\$ -	\$ 328,460	\$ -	\$ 328,460

The projected MLRR FY21 ending balance at September 30, 2020 is \$328,460. Projections have been revised to include a fee increase effective in January 2021.

Strong Motion Instrument Fund (SMIF)			
As of September 30, 2020			
	2019-21 Actual + Projected Revenue & Expenditures		
	Other Funds	Federal Funds	All Funds
June 30, 2019 Ending Balance			\$ 276,926
Total Available Revenue	\$ 382,951		\$ 382,951
Total Expenditures	\$ 77,669		\$ 77,669
SMIF Ending Balance	\$ 305,282	\$ -	\$ 305,282

Reclamation Guarantee Fund	
As of September 30, 2020	
Beginning 2019-21: 54 Cash Securities	\$ 613,637
7 Security Releases	\$ (133,153)
5 New Securities	\$ 131,570
Biennium to Date: 58 Cash Securities	\$ 612,054

The Strong Motion Instrument Fund has a current FY21 ending balance of \$305,282 and the Reclamation Guarantee Fund retains \$612,054 in cash securities.

Business Office Activities

Grant Reporting and Tracking

All outstanding grant financial reporting has been completed and is current to date. Project management tracking tools are continuing to be enhanced to provide better staff scheduling ability and progress oversight.

Business Office Changes

Dania Ballard, CFO has accepted a position with the Department of Justice effective December 1st. Steve Dahlberg, Fiscal Analyst will assume some fiscal processing, budgeting, and monitoring duties in the short term. Leadership will assess overall needs and determine staffing requirements in the next couple of months.

ATTACHMENTS:

DOGAMI Financial Report

Department of Geology & Mineral Industries
Budget Status Report: September 2020

% of Time Spent of 2 years
63%

Geological Survey & Services (GS&S) Program

Budget Category / Line Item	2019-21 Budget by Funding Source				2019-21 Actual Revenue & Expenditures				Actual Budget Spent				2019-21 Projected Revenue & Expenditures				2019-21 Actual + Projected Revenue & Expenditures				Actual + Projected Budget Total			
	General Funds	Other Funds	Federal Funds	All Funds	General Funds	Other Funds	Federal Funds	All Funds	GF	OF	FF	All Funds	General Funds	Other Funds	Federal Funds	All Funds	General Funds	Other Funds	Federal Funds	All Funds	GF	OF	FF	All Funds
Revenue																								
Beginning Balance	-	1,029,817	-	1,029,817	-	252,275	-	252,275					-	-	-	-	-	252,275	-	252,275				
2019-21 Revenue & Transfers	5,398,573	2,638,053	5,795,069	13,831,695	3,209,248	947,122	1,057,468	5,213,838					2,189,325	640,753	2,220,886	5,050,964	5,398,573	1,587,875	3,278,353	10,264,802				
Total Available Revenue	5,398,573	3,667,870	5,795,069	14,861,512	3,209,248	1,199,398	1,057,468	5,466,113	59%	33%	18%	37%	2,189,325	640,753	2,220,886	5,050,964	5,398,573	1,840,151	3,278,353	10,517,077	100%	50%	57%	71%
Expenditures:																								
<i>Personnel Services</i>	3,518,168	672,329	2,361,863	6,552,360	2,618,005	667,281	717,869	4,003,156	74%	99%	30%	61%	1,393,532	250,873	616,455	2,260,860	4,011,538	918,154	1,334,324	6,264,015	114%	137%	56%	96%
<i>Services & Supplies</i>																								
Instate Travel	25,159	64,772	145,140	235,071	37,531	11,845	5,778	55,153					7,500	24,290	54,428	86,218	45,031	36,135	60,205	141,371				
Out of State Travel	3,725	24,116	6,774	34,615	1,786	(347)	1,096	2,535					2,000	10,322	2,541	14,863	3,786	9,974	3,637	17,397				
Employee Training	8,833	11,338	8,562	28,733	545	(250)	-	295					10,000	4,253	3,212	17,464	10,545	4,003	3,212	17,759				
Office Expenses	12,942	33,584	1,448	47,974	9,845	1,248	171	11,263					6,375	12,594	543	19,512	16,220	13,842	714	30,775				
Telecomm	65,597	464	14,968	81,029	61,334	-	-	61,334					45,272	174	-	45,446	106,606	174	-	106,780				
State Gov't Svc Chg	259,189	131,738	117,902	508,829	195,634	-	-	195,634					199,536	-	-	199,536	395,170	-	-	395,170				
Data Processing	613,524	-	6,994	620,518	186,654	-	-	186,654					144,720	-	-	144,720	331,374	-	-	331,374				
Publicity & Publications	-	5,110	61,604	66,714	496	271	-	767					-	1,916	23,102	25,018	496	2,187	23,102	25,785				
Professional Services	78,272	690,894	2,892,554	3,661,720	11,834	106,808	309,006	427,648					3,272	259,085	1,084,707	1,347,064	15,106	365,893	1,393,713	1,774,711				
IT Professional Services	4,500	83,360	-	87,860	5,937	-	-	5,937					4,500	-	-	4,500	10,437	-	-	10,437				
Attorney General	12,665	-	-	12,665	13,469	-	-	13,469					1,999	-	-	1,999	15,468	-	-	15,468				
Employee Recruitment	639	1,450	-	2,089	-	-	-	-					375	622	-	997	375	622	-	997				
Dues & Subscriptions	4,242	986	2,270	7,498	2,602	-	-	2,602					1,750	371	851	2,972	4,352	371	851	5,574				
Facilities Rent	325,554	198,496	63,302	587,352	229,533	-	-	229,533					166,667	-	-	166,667	396,200	-	-	396,200				
Fuels & Utilities	-	-	-	-	2,061	-	-	2,061					-	-	-	-	2,061	-	-	2,061				
Facilities Maintenance	-	-	-	-	624	-	-	624					-	-	-	-	624	-	-	624				
Medical Services	-	-	-	-	(0)	-	-	(0)					-	-	-	-	(0)	-	-	(0)				
Agency Related S & S	-	-	-	-	921	-	2,158	3,079					-	-	-	-	921	-	2,158	3,079				
Intra agency Charges	-	-	-	-	-	-	-	-					93,750	-	-	93,750	93,750	-	-	93,750				
Other Services & Supplies	246,635	675,076	51,448	973,159	135,338	140	-	135,478					120,413	300	370	121,083	255,750	440	370	256,560				
Undistributed (S&S)	-	-	-	-	-	-	-	-					-	-	-	-	-	-	-	-				
Expendable Prop (\$250-\$5000)	7,706	19,902	29,430	57,038	1,437	-	-	1,437					4,000	5,597	14,715	24,312	5,437	5,597	14,715	25,749				
IT Expendable Property	117,555	-	30,810	148,365	97,335	2,466	-	99,802					115,000	-	15,405	130,405	212,335	2,466	15,405	230,207				
Technical Equipment	-	-	-	-	-	-	-	-					-	-	-	-	-	-	-	-				
Data Processing Software	93,668	-	-	93,668	-	-	-	-					93,670	-	-	93,670	93,670	-	-	93,670				
Data Processing Hardware	-	-	-	-	-	-	-	-					-	-	-	-	-	-	-	-				
Other Capital Outlay	-	-	-	-	-	-	-	-					-	-	-	-	-	-	-	-				
Indirect	-	-	-	-	(403,674)	126,197	186,783	(90,693)					(454,589)	69,068	239,166	(146,355)	(858,263)	195,265	425,949	(237,048)				
<i>Total Services & Supplies</i>	1,880,404	1,941,286	3,433,206	7,254,896	591,243	248,378	504,991	1,344,611	31%	13%	15%	19%	566,209	388,591	1,439,038	2,393,838	1,157,451	636,968	1,944,029	3,738,449	62%	33%	57%	52%
Total Expenditures	5,398,573	2,613,615	5,795,069	13,807,256	3,209,248	915,659	1,222,860	5,347,767	59%	35%	21%	39%	1,959,741	639,464	2,055,493	4,654,698	5,168,989	1,555,123	3,278,353	10,002,465	96%	60%	57%	72%
GS&S Ending Balance	\$ -	\$ 1,054,256	\$ -	\$ 1,054,256	\$ -	\$ 283,739	\$ (165,393)	\$ 118,346					\$ 229,584	\$ 1,289	\$ 165,393	\$ 396,266	\$ 229,584	\$ 285,028	\$ 0	\$ 514,612				

Strong Motion Instrument Fund			
	2019-21 Actual Revenue & Expenditures	2019-21 Projected Revenue & Expenditures	2019-21 Actual + Projected Revenue & Expenditures
	Other Funds	Other Funds	Other Funds
Revenue:			
Beginning Balance	276,926	-	276,926
AY 2019-21 Revenue	106,025	-	106,025
Total Available Revenue	382,951	-	382,951
Expenditures:			
<i>Personnel Services</i>	8,062	-	8,062
<i>Services & Supplies</i>	-	-	-
Professional Services:	69,607	-	69,607
Total Expenditures	77,669	-	77,669
SMIF Ending Balance	\$ 305,282	\$ -	\$ 305,282

Department of Geology & Mineral Industries
Budget Status Report: September 2020

% of Time Spent of 2 years 63%

Mineral Land Regulation & Reclamation (MLRR) Program

Budget Category / Line Item	2019-21 Budget by Funding Source				2019-21 Actual Revenue & Expenditures				Actual Budget Spent				2019-21 Projected Revenue & Expenditures				2019-21 Actual + Projected Revenue & Expenditures				Actual + Projected Budget Total Spent			
	General	Other	Federal	All	General	Other	Federal	All	GF	OF	FF	All	General	Other	Federal	All	General	Other	Federal	All	GF	OF	FF	All
	Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds				Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds				Funds
Revenue																								
Beginning Balance	-	370,374	-	370,374	-	227,101	-	227,101					-	-	-	-	-	227,101	-	227,101				
2019-21 Revenue & Transfers	-	3,898,616	-	3,898,616	-	1,964,022	-	1,964,022					-	1,686,211	-	1,686,211	-	3,650,232	-	3,650,232				
Total Available Revenue	-	4,268,990	-	4,268,990	-	2,191,123	-	2,191,123	0%	51%	0%	51%	-	1,686,211	-	1,686,211	-	3,877,334	-	3,877,334	0%	91%	0%	91%
Expenditures:																								
<i>Personnel Services</i>	-	2,814,372	-	2,814,372	-	1,522,608	-	1,522,608	0%	54%	0%	54%	-	1,006,169	-	1,006,169	-	2,528,777	-	2,528,777	0%	90%	0%	90%
<i>Services & Supplies</i>																								
Instate Travel	-	67,350	-	67,350	-	17,527	-	17,527					-	26,250	-	26,250	-	43,777	-	43,777				
Out of State Travel	-	-	-	-	-	498	-	498					-	-	-	-	-	498	-	498				
Employee Training	-	7,536	-	7,536	-	1,687	-	1,687					-	7,500	-	7,500	-	9,187	-	9,187				
Office Expenses	-	31,516	-	31,516	-	19,043	-	19,043					-	11,819	-	11,819	-	30,861	-	30,861				
Telecomm	-	64,578	-	64,578	-	27,839	-	27,839					-	20,618	-	20,618	-	48,458	-	48,458				
State Gov't Svc Chg	-	-	-	-	-	-	-	-					-	-	-	-	-	-	-	-				
Data Processing	-	79,419	-	79,419	-	31,265	-	31,265					-	36,618	-	36,618	-	67,883	-	67,883				
Publicity & Publications	-	3,721	-	3,721	-	7,399	-	7,399					-	1,396	-	1,396	-	8,795	-	8,795				
Professional Services	-	399,520	-	399,520	-	101,734	-	101,734					-	262,500	-	262,500	-	364,234	-	364,234				
IT Professional Services	-	-	-	-	-	604	-	604					-	-	-	-	-	604	-	604				
Attorney General	-	79,124	-	79,124	-	49,076	-	49,076					-	37,500	-	37,500	-	86,576	-	86,576				
Employee Recruitment	-	5	-	5	-	-	-	-					-	-	-	-	-	-	-	-				
Dues & Subscriptions	-	1,309	-	1,309	-	24	-	24					-	750	-	750	-	774	-	774				
Facilities Rent	-	80,859	-	80,859	-	45,722	-	45,722					-	34,167	-	34,167	-	79,889	-	79,889				
Fuels & Utilities	-	12,220	-	12,220	-	6,946	-	6,946					-	4,875	-	4,875	-	11,821	-	11,821				
Facilities Maintenance	-	11,702	-	11,702	-	5,810	-	5,810					-	4,500	-	4,500	-	10,310	-	10,310				
Medical Services	-	-	-	-	-	18	-	18					-	-	-	-	-	18	-	18				
Agency Related S & S	-	-	-	-	-	61	-	61					-	-	-	-	-	61	-	61				
Intra agency Charges	-	-	-	-	-	-	-	-					-	-	-	-	-	-	-	-				
Other Services & Supplies	-	73,454	-	73,454	-	68	-	68					-	12,281	-	12,281	-	12,349	-	12,349				
Undistributed (S&S)	-	-	-	-	-	-	-	-					-	-	-	-	-	-	-	-				
Expendable Prop (\$250-\$5000)	-	9,414	-	9,414	-	91	-	91					-	-	-	-	-	91	-	91				
IT Expendable Property	-	15,397	-	15,397	-	2,390	-	2,390					-	6,000	-	6,000	-	8,390	-	8,390				
Technical Equipment	-	-	-	-	-	-	-	-					-	-	-	-	-	-	-	-				
Data Processing Hardware	-	18,977	-	18,977	-	-	-	-					-	9,489	-	9,489	-	9,489	-	9,489				
Data Processing Hardware	-	-	-	-	-	-	-	-					-	-	-	-	-	-	-	-				
Other Capital Outlay	-	-	-	-	-	-	-	-					-	-	-	-	-	-	-	-				
Indirect	-	-	-	-	-	79,675	-	79,675					-	146,355	-	146,355	-	226,030	-	226,030				
<i>Total Services & Supplies</i>	-	956,101	-	956,101	-	397,480	-	397,480	0%	42%	0%	42%	-	622,617	-	622,617	-	1,020,097	-	1,020,097	0%	107%	0%	107%
Total Expenditures	-	3,770,473	-	3,770,473	-	1,920,088	-	1,920,088	0%	51%	0%	51%	-	1,628,786	-	1,628,786	-	3,548,874	-	3,548,874	0%	94%	0%	94%
MLRR Ending Balance	\$ -	\$ 498,518	\$ -	\$ 498,518	\$ -	\$ 271,035	\$ -	\$ 271,035					\$ -	\$ 57,425	\$ -	\$ 57,425	\$ -	\$ 328,460	\$ -	\$ 328,460				

Reclamation Guarantee Fund	
Beginning 2019-21:	
54 Cash Security's	613,637
7 Security releases	(133,153)
5 New Securities	131,570
Biennium to date:	
58 Cash Security's	\$ 612,054

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Sarah Lewis, MLRR Program Manager

Date: November 24, 2020

Regarding: Agenda Item 10 – MLRR Update

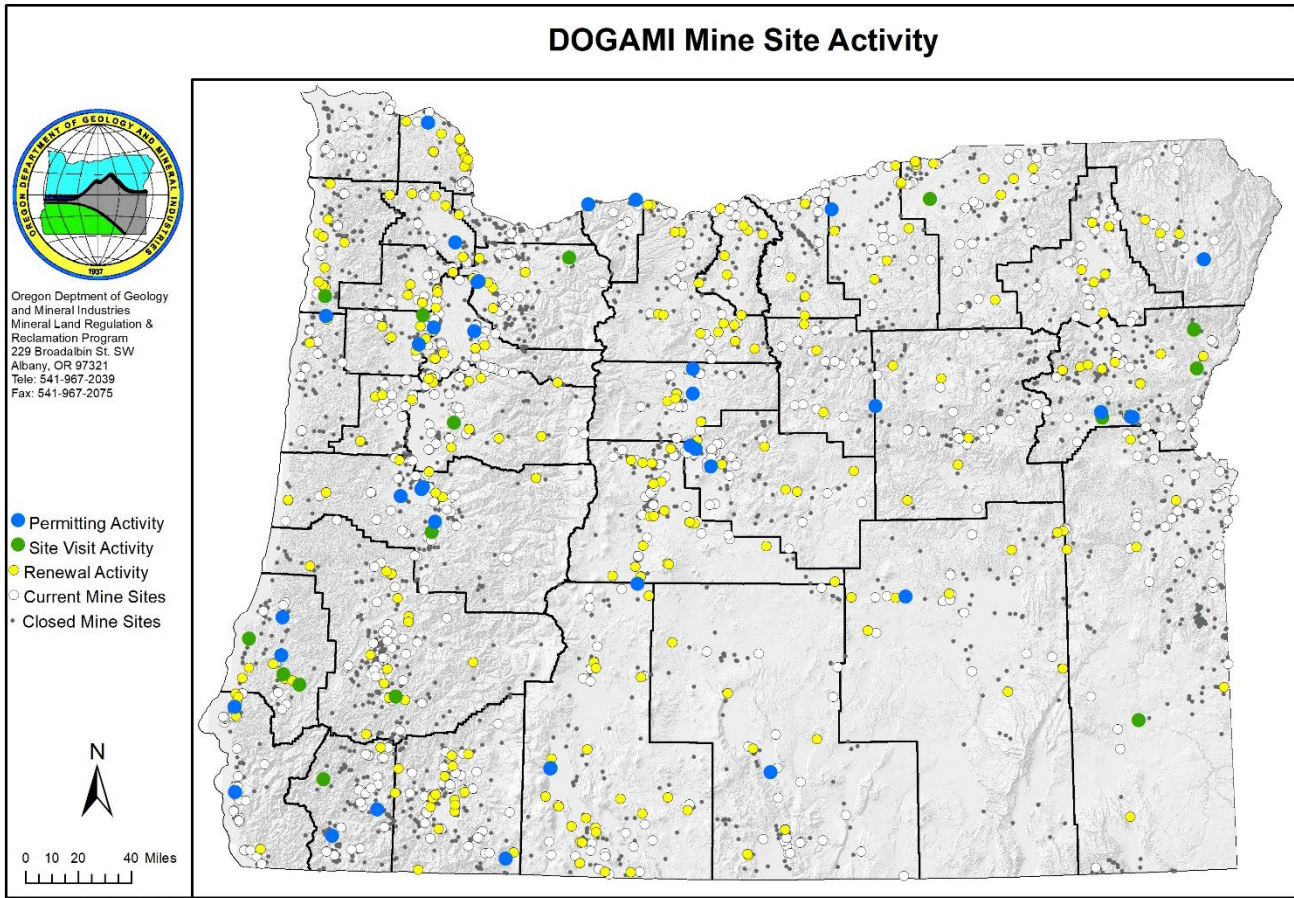
Sarah Lewis, MLRR Program Manager, will provide an update on MLRR and report on the following topics:

- 1) Permit Status Summary
- 2) Grassy Mountain Update

Please note, the ENGAGe newsletters are found online:

<https://www.oregongeology.org/mlrr/engage.htm>

Proposed Board Action: The Board will not be asked to take an action on this item.

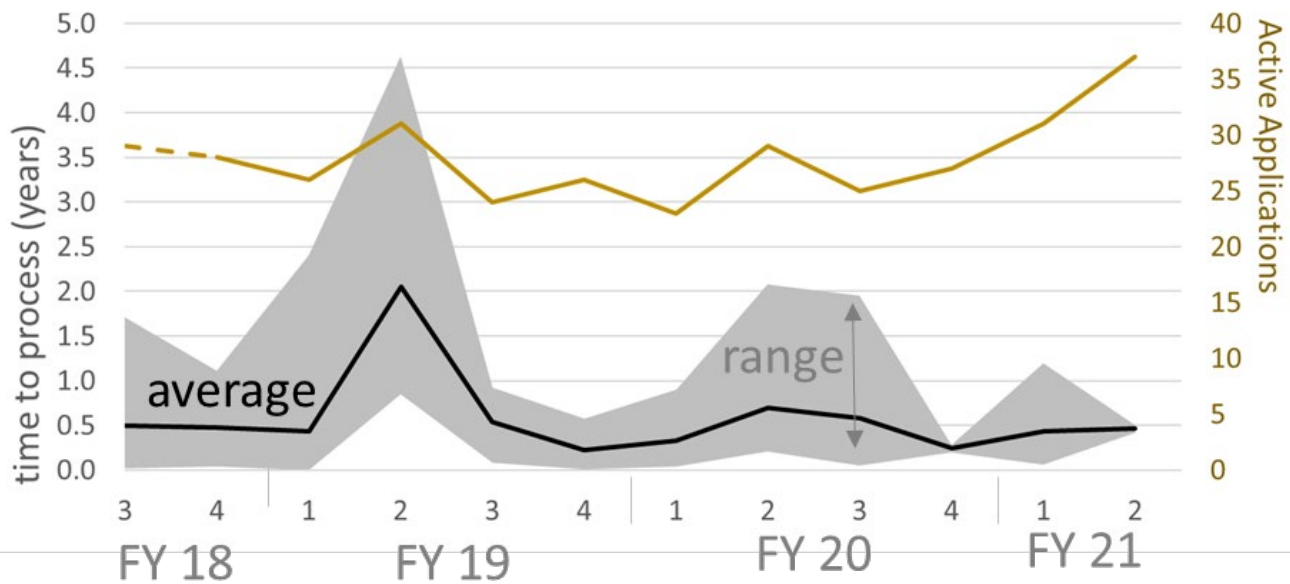


Map shows aggregate/non-aggregate active permitting applications, compliance actions, site visits in the last 6 months, and renewals due in last 3 months. COVID-19 protocols have resulted in a decrease in site visit activity.

Table 1: Permit Status Summary (as of 11/15/20)

	Jan-Mar 2020		Apr-Jun 2020		Jul-Sep 2020		Oct - Dec 2020	
	Permits	Apps	Permits	Apps	Permits	Apps	Permits	Apps
Surface Mining								
Operating Permits	873	25	872	27	884	31	887	37
Exclusion Certificates	120	6	131	9	134	2	136	2
Sites Closed	(0)		(2)		(1)		(0)	
Stormwater (DEQ)								
1200A Permits	160	6	159	7	158	7	158	7
WPCF 1000 Permits	49	4	49	4	49	4	49	4
Exploration	14	2	14	2	14	2	13	2
Oil & Gas Wells	92	2	91	2	89	0	89	0
Geothermal								
Well Permits	26	1	26	1	24	0	24	0
Prospect Wells	7	0	7	0	7	0	4	0

Surface Mining Application Processing Time and Workload

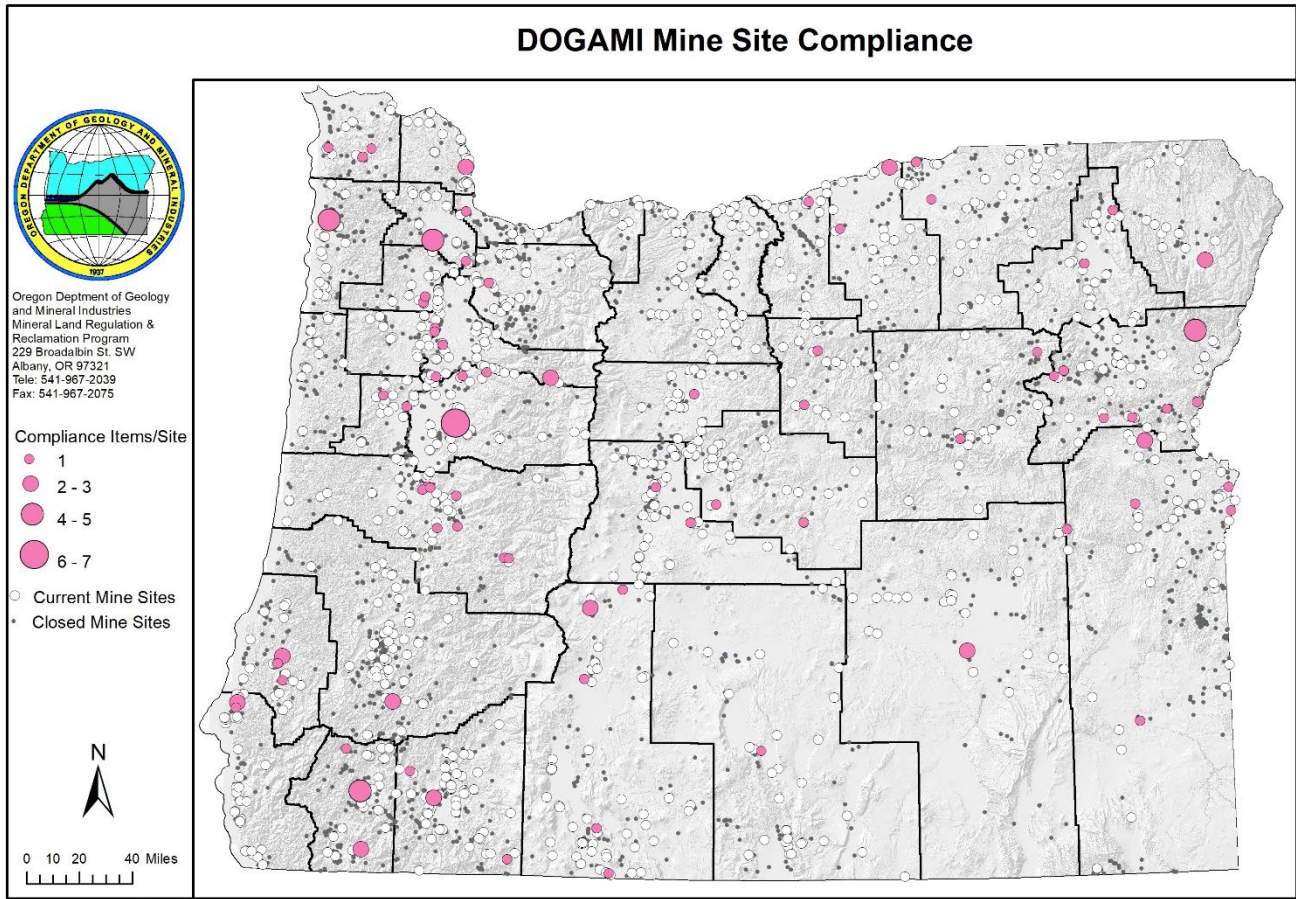


The average processing time for an application completed during the last year was approx. 6 months.

Table 2: Surface Mining Applications by Type (as of 11/18/20)

	Total	New	Amend	Transfer
FY 2019				
Received	39	10	7	22
Completed	42	13	7	21
FY2020				
Received	38	10	7	21
Completed	35	7	6	22
FY21 1st Quarter (updated)				
Received	10	1	4	5
Completed	7	1	1	5
Active	31	13	13	5
FY21 2nd Quarter (to date)				
Received	8	2	1	5
Completed	2	0	1	1
Active	37	15	13	9
<i>Applications older than 1 year</i>	12	9	3	0

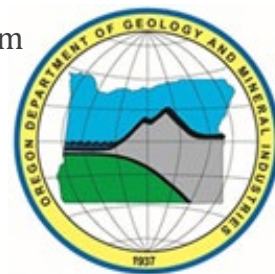
Figure 3: Compliance Activity at DOGAMI Mine Sites



Location of active compliance actions from Table 3. Size of circle indicates number of actions per site.

Table 3: Compliance Summary – Active Actions by Type (as of 11/20/20)

	2019			2020			
	Jun	Sep	Dec	Mar	Jun	Sep	Dec
Non-Payment of Fees	7	8	15	13	18	18	20
Mining Without a Permit	12	20	18	18	16	18	18
Mining Outside Permit Boundary	~	~	~	24	21	21	22
Lack of Approval	~	3	3	3	3	3	3
Failure to Comply with Order	8	6	6	6	6	6	6
Permit Boundary Survey Map	7	6	6	14	13	13	14
Boundary Marking Violation	1	1	3	4	4	4	5
Permit Condition Violation	3	1	5	4	7	11	11
Reclamation Security	4	3	3	7	7	8	8
Failure to Reclaim Timely	0	1	1	6	6	6	5
Total	42	49	60	99	101	108	112



ENGAGe

Fall 2020

Exploration, Non-aggregate, Gas/oil, Aggregate, Geothermal

DOGAMI Permit Fee Changes – Effective January 1, 2021

In a special session this summer, the Oregon Legislature passed HB 4302, updating DOGAMI permit fees for all programs. It has been over 5 years since any DOGAMI permit fees were increased, and this legislation modifies the application and renewal fee structure to fairly and adequately support current services and staff.

Beginning January 1, 2021, an **Application Fee of \$2,000** will be required with all standard permit application forms. This includes applications for Aggregate, Exploration, Oil & Gas, and Geothermal permits, providing consistency across permit types. Exclusion Certificate application fees, DEQ water quality permit application and renewal fees, and cost-recovery projects are not included in this change.

Beginning with permit renewals due in January 2021, **Annual Renewal Fees** will increase as follows:

<u>Aggregate Permit Renewal</u>		<u>Oil & Gas Permit Renewal</u>	\$1,160
with production	\$1,460 plus \$0.0125/ton		
no production	\$1,200	<u>Geothermal Permit Renewal</u>	\$2,725
<u>Exploration Permit Renewal</u>	\$1,460	<u>Exclusion Certificate Renewal</u>	\$165

**This change in fees will be reflected in your 2021 renewal notice.
DOGAMI will be reaching out directly to current permittees with more information.**

Reminder: Update DOGAMI on land ownership changes

Landowners are a very important part of operating a mining operation. They provide permission (via signature on the Operating Permit application) for the applicant to mine on their land. Without that initial permission, DOGAMI can't move forward with processing or approving an application. Mining operations can last decades, and over time landowners may change. Whenever a change occurs in landownership, it is the permittee's responsibility to notify DOGAMI. To document a landownership change, DOGAMI requires a listing packet (also known as a TRIO) from a title company, proving the new ownership. Permittees can mail or even email the TRIO to DOGAMI, making sure to label it with the DOGAMI site number, and a note letting us know about the landownership change. Please contact us for land ownership changes to other types of permits issued by DOGAMI.

If you'd like to receive our newsletters via email, sign up for our listserv at: listsmart.osl.state.or.us/mailman/listinfo/mlrr.newsletter

Contact Us at 541-967-2039 email: mlrr.info@oregon.gov
Website: www.oregongeology.org/mlrr

Oregon Department of Geology and Mineral Industries
Mineral Land Regulation & Reclamation
229 Broadalbin St. SW, Albany, OR 97321



Clackamas County Aggregate Site. – Photo by Lisa Reinhart

Policy Updates:

DOGAMI continues to align our business processes with that of other State agencies and businesses within the industry, we want to give you a couple of very important reminders. In July of 2019, we started implementing Civil Penalties as part of our enforcement program. With this came the revamping of our renewal process – most notably with regards to when we send out permit renewal notices. Permit Renewal Notices are now sent out approximately 30 days before they are due (instead of 60 days). Oregon Statute requires us to accept a complete renewal packet – which means that we must receive BOTH the check *and* the Permit Renewal Notice form within the allotted timeframe. If we do not receive both the check and the renewal form, your site is eligible to be issued a Notice of Violation at 30 days delinquent, and a Civil Penalty at 60 days delinquent.

This prompts us to remind you of our check holding policy. If the check is not received with the Permit Renewal Notice, or there is some reason that it is incomplete (forgot to sign it, etc.) – we will only hold your check for up to 2 weeks before sending it back to you.

Protecting Cultural Resources:

DOGAMI has developed an effective partnership with the Legislative Commission on Indian Services (LCIS), Oregon State Historic Preservation Office (SHPO), and the nine federally recognized Tribal governments in Oregon that emphasizes working cooperatively to address mutual concerns. DOGAMI includes all Tribes in the review and comment process regarding proposed mineral extraction and energy development projects statewide. This process helps identify proposed development projects that have the potential to impact cultural and historic sites, and to then develop mitigation strategies. Permit holders for mineral and energy development projects are now better informed of their responsibilities to report unanticipated discoveries. DOGAMI has actively sought to meet with individual Tribal staff to ensure communication and coordination occurs between the appropriate individuals.

What does this mean for permittees and applicants? Essentially, ORS 358.905 and ORS 97.740 protect archaeological sites, objects, and human remains on federal, state, and private lands in Oregon. Therefore, if any cultural material is discovered during excavation activities, all work should cease immediately until a professional archaeologist can evaluate the discovery. Applicants should familiarize themselves with the Oregon Parks and Recreation Department's State Historic Preservation Office (SHPO), familiarize yourself with the Tribes in the project area, and preemptively reach out to them regarding your project or any future projects. They are important partners to have in any project, and they are genuinely happy to build a relationship. If you need help determining who to reach out to, DOGAMI is happy to help you make the initial connection with the correct Tribal contact.

Take our customer satisfaction survey:

https://www.surveymonkey.com/r/2020_Stakeholder_Satisfaction_Survey_DOGAMI_MLRR_ENGAGE

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Bob Houston, GS&S Program Manager

Date: November 24, 2020

Regarding: Agenda Item 11 - GS&S Update

Bob Houston, GS&S Program Manager and Legislative Coordinator, will provide an update on the GS&S program.

Proposed Board Action: The Board will not be asked to take an action on this item.

Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Brad Avy, Director & State Geologist

Date: November 25, 2020

Regarding: Agenda Item 12 - Director's Report

Director Avy will deliver his report on the following topics:

- 1) Governor's Recommended Budget (GRB)
- 2) 2021 Legislative Session

Proposed Board Action: The Board will not be asked to take an action on this item.