

**OREGON DEPARTMENT OF GEOLOGY & MINERAL INDUSTRIES GOVERNING  
BOARD MEETING**

**Friday, February 29, 2008  
Portland State Office Building, Suite 965**

**(1) Call to Order:**

Chair Donald Haagensen called the meeting to order at 8:30 am.

**(2) Introductions:**

Board Chair Donald Haagensen, Vice Chair Steve Macnab, Board Members Barbara Seymour, Larry Givens, and R. Charles Vars were present. Assistant Attorney General Larry Knudsen was also present, as were DOGAMI staff members State Geologist Vicki McConnell, Assistant Director Don Lewis, Assistant Director Gary Lynch and Administrative Assistant Carol DuVernois.

DOGAMI Staff in the audience:

James Roddey  
Tove Larsen  
Ian Madin  
Bill Burns

Also in the audience:

Larry Tuttle, Center for Environmental Equity  
Michael Milstein, The Oregonian  
Dorian Kuper, Kuper Consulting

1 Chair Haagensen introduced the new Board member, Larry Givens from Milton-  
2 Freewater, and gave a little of his background.

3 McConnell noted for the record that the agenda has been updated from the original  
4 agenda sent out, and several items were handed out prior to the meeting to add to the  
5 packet.  
6

7 **(3) Approval of Governing Board Minutes for November 6, 2007: (Board)**  
8

9 **Motion: Vars moved to approve the minutes as written, seconded by Macnab.**  
10 **Motion carried without further discussion.**

11 McConnell gave a quick update on the Action list at the end of the November 6 minutes.

12 **(4) Board Business:**

13 **a. Director Performance Evaluation process: *Action Item***

14 McConnell gave background on Performance Measures and discussed the worksheet  
15 *Best Practices Criteria*, attached to the agenda item. Haagensen discussed the Directors  
16 Performance Evaluation form, and the revisions he made since the last meeting. He  
17 suggested that the Board fill out the form, and then discuss the External Stakeholder form  
18 and the Internal Staff form at a later time. He also said the form should be filled out annually  
19 by the Board. Haagensen noted that it has not yet been decided who will fill out the External  
20 Stakeholder form, but it would be members of the legislature, the industry, and the public.

21 Haagensen said that the results of the evaluation, to be discussed during an Executive  
22 Session should be announced. McConnell said the KPM worksheet has been vetted by the

23 LFO, and thought that this form would fall under that. A public comment requirement is not  
24 included in the instructions from LFO. The LFO has vetted everything already, and the  
25 structure of the form came from DAS originally, but the Board has tailored it to its specific  
26 needs. The Board is not required to report back to the Legislature for final approval.

27 Macnab recommended that the Board proceed with a trial run, see what issues arise and  
28 revise afterward. Vars clarified this by suggesting it be applied in a formal manner,  
29 acknowledging that there may be changes. Macnab said that there are no goals for the  
30 Director as of yet, but the next cycle could include a set of goals that could be measured  
31 against. The development of the Strategic Plan could feed into helping set goals.

32  
33 **Motion: Vars moved that the Board adopt the evaluation process for the State**  
34 **Geologist as provided in the packet. Macnab seconded. Motion carried without**  
35 **further discussion.**

36 Haagensen encouraged the Board to rough out the form before the next meeting.

37  
38 **b. Disclosure Reports to Oregon Government Ethics Commission: *Update Item***  
39

40 The Statement of Economic Interest reports are currently filed annually, but with  
41 changes in legislation, the forms will need to be filled out quarterly. The forms at this time  
42 are still paper, but will be available to fill out online in the near future. DuVernois will  
43 coordinate and notify the Board when they are due.

44  
45 **(5) Report on the DOGAMI Landslide Hazard Mitigation Program:** (Vicki S. McConnell  
46 and Don Lewis)

47 **a. Background on passage of SB 12 (1999) and its affect: *Update Item***

48 Bill Burns gave a PowerPoint landslide primer, outlining the five different types of  
49 landslides for the Board. The type of landslide depends on the material that fails and the  
50 type of movement that occurs. This was a training session for the Board.

51 McConnell gave some background on landslides in the state. They are our most  
52 frequent and most expensive natural hazard and they occur every year. Debris Flows are  
53 the most expensive and dangerous of the landslide hazards in the state. She then gave a  
54 brief history of SB 12 (1999). Our task as outlined in that bill, was to develop a map of  
55 rapidly moving landslides to identify Further Review Areas (FRAs), where the potential for a  
56 hazard would be. It would then be up to the local governances to incorporate the  
57 information into their ordinances. She then outlined the problems encountered, including  
58 appropriation of only half the money needed for the work and the opposition from local  
59 governances regarding the land use ordinance part of the bill. She noted the changes the  
60 Board and legislature made to the bill, especially removing the land use prescriptive  
61 language for the local governances. We have since then been working on the FRA maps in  
62 cooperation with cities and counties. Outreach is seriously under funded, so we are working  
63 on a one-to-one basis as cities and counties come to us.

64  
65 **b. Agency Landslide Hazard Mitigation Program Briefing: *Update Item***

66 Don Lewis gave a PowerPoint presentation outlining the value and utility of LiDAR in the  
67 Landslide Hazard Mitigation Program. He noted the ongoing funding challenges, including  
68 partnering issues and a lack of a generally funded position for landslides. He also  
69 discussed how winter weather affects landslides in our area.

70 Lewis briefed the Board on the data from IMS-22 and Special Paper 34 and the  
71 limitations of the data in those reports because of the 10 meter DEM technology used and  
72 the inadequate funding of the project. He compared the data from the reports to the data  
73 collected from LiDAR. He discussed how our mapping, coastal hazard studies, and

74 landslide studies are all fitting together, and how they can all be used by the cities and  
75 counties for land use planning. He mentioned that the agency wants to educate the public  
76 about these hazards and how they can be mitigated. We are working on prototype landslide  
77 inventory and landslide susceptibility maps for some cities and counties that have existing  
78 LiDAR coverage. Lewis also introduced SLIDO to the Board, which is a statewide landslide  
79 inventory map, and will be constantly updated. We are using several computer models and  
80 data obtained from the field to inventory landslides and susceptibility to landslides. Burns  
81 has written a protocol on how to do an inventory map, which is effectively the standard, so  
82 everyone is doing the same thing.

83 The Request for Proposals for the LiDAR project closed the 29<sup>th</sup>. By March 5 we will  
84 have identified the successful contractor, and will start preparations to launch the project.  
85 We will collect data from the south coast and the Willamette Valley. The north coast will  
86 probably be collected during the next biennium. We are the official repository of the LiDAR  
87 data layer for the state, and the digital data will be hosted by NOAA at the federal level.

88 We are developing the project piecemeal, as we gather partners into the consortium, so  
89 we've started with 3 primary areas, the south coast, the north coast, and the Willamette  
90 Valley, rather than a statewide effort.

91 Vars pointed out that there is a great opportunity for outreach and education with this  
92 project. McConnell added that education and outreach is always an important part of these  
93 projects, but that funding is a perpetual challenge. She suggested that the Department of  
94 Land Conservation and Development should become an outreach partner with us, since  
95 they have the mandate that this information be correctly disseminated.

96  
97 **(6) Break**

98  
99 **(7) Report of the State Geologist:** (Vicki S. McConnell, State Geologist)

100 **a. State of the Agency – Briefing of agency activity including staffing and**  
101 **projects: *Update Item***

102 McConnell referred to the handout included in the packet as a briefing for the Board on  
103 the state of the agency. She highlighted the staffing changes, including the extended  
104 medical leave for Charles Kirby. Tove Larsen has been appointed Acting Business  
105 Manager, Alva Schneff has taken over some of Larsen's responsibilities, and DuVernois has  
106 stepped in to become part of the Business Office team, headed by Don Lewis. We have  
107 hired Chip Andrus, a reclamationist with a fish biology background for the MLRR program.  
108 Lynch expressed his pleasure with the new addition to the staff. Our LiDAR database  
109 coordinator, Mark Sanchez has given his notice, and we are actively recruiting a  
110 replacement.

111 McConnell briefly outlined the projects that have been completed or are nearly complete,  
112 including the geothermal database, the Klamath Basin compilation map, and a variety of  
113 Open File Reports and GMS maps.

114  
115 **b. Summary of 2008 Legislative Special Session and any impacts to the Agency –**  
116 ***Update Item***

117 McConnell said that there wasn't a lot that affected the agency during this session, but  
118 both she and Lynch gave informational testimony on a couple of items. There will be some  
119 bills that may affect rule writing, but not directly affect the agency.

120 The agency has been invited to become an unofficial ex-officio member of the Global  
121 Warming Commission. She feels it's important for the agency to have a place on the  
122 commission, but she thinks that they are hung up on "global warming" and not thinking of  
123 climate change. She believes they need science reality checks and she is willing to do that,  
124 but doesn't know what it will do for the agency.

125 McConnell briefly discussed the Congressional bills we are tracking, including the  
126 reauthorization of the geologic mapping bill and a geothermal initiative. She noted that we  
127 are in a struggle with NOAA regarding the funding for the National Tsunami Hazard  
128 Mitigation Program. She sent a letter signed by 3 other Pacific Northwest state geologists  
129 expressing their dismay at the way they are reorganizing that program. Our funding for that  
130 program is getting squeezed when it should be increasing. We should be getting no less  
131 that 27% of their appropriations for this program, but NOAA has elected to reinterpret that in  
132 a way that gives us less funding than we should be getting. Also, the Pacific Northwest  
133 used to be the only area included in this program, but now any state with a coast line is  
134 included, so funding is even more watered down.

135 Larry Givens would like to be kept up to date with this issue, since he works with  
136 Congressman Walden, Senators Smith and Wyden on some funding issues.

137  
138 **c. Legislation and Policy Concepts – drafts of proposed 2009 legislative concepts**  
139 **and budget add-ons: *Action Item***

140 McConnell discussed preparation for the upcoming 2009-2011 budget and Legislative  
141 Session. The Agency has begun internal discussions and discussions with the Governor's  
142 office on policy issues. She discussed the memo to Chip Terhune, the Governor's Chief of  
143 Staff identifying agency priorities. These policy priorities will form the basis for our Policy  
144 Option Packages for the Agency Budget Request (add-on budget requests above the  
145 essential budget level) to DAS. Some will require legislative actions as well.

146 She noted our success in finding partners for the LiDAR program, to the point that we  
147 may need to go the E-board in August to ask for our Other Funds Limitation to be raised so  
148 we can continue to gather partners. She said that we are looking at this as a long term,  
149 multi-year project. We will not be able to cover all the areas in a two year session, so we will  
150 certainly ask for a more funds and a continuation of the Limited Duration LiDAR database  
151 coordinator position, or to make that a permanent position.

152 Haagensen suggested partnering with DLCD for this funding, and if possible have a joint  
153 Board meeting with DLCD, Parks, Forestry, Water Resources and ODOT to discuss LiDAR.  
154 McConnell agreed that a joint meeting would be a good idea, and noted that those agencies  
155 have been briefed on LiDAR, and would hopefully come through with some funding for the  
156 project. McConnell noted that LiDAR is a means to assist restoration of the Willamette  
157 River, and that may generate more funding as well.

158 Development of a statewide policy on the understanding of regional aggregate resources  
159 has been discussed through the Governor's Natural Resource Office. They have been  
160 developing a plan of action, and we recommended a macroeconomic study of supply and  
161 demand. They are forming a task force to study this in an attempt to get something together  
162 for the 2009 session, but we do not anticipate being in a lead role for the study.

163 The Governor has identified climate change as a high priority and the Global Warming  
164 initiative, and the announcement that we will be 20% green by 2025 has fueled much  
165 discussion about how to achieve that. McConnell sees this as an opportunity to find funding  
166 for some coastal projects.

167 McConnell mentioned the Governor's Headwaters 2 Ocean initiative, which will probably  
168 be a high priority, and we anticipate becoming a partner supplying basic geologic data and  
169 LiDAR. We could also develop a statewide 3D geomorphology, to identify where the  
170 surface and groundwater is controlled by the geology.

171 As our state moves toward accomplishing the renewable energy standards geothermal  
172 exploration and development of facilities to generate electricity will increase. We have  
173 already seen a 400% increase in applications for drilling permits in 2007. Our statutes,  
174 administrative rules, and fee structures are in need of review. After stakeholder input and  
175 analysis by DOJ we anticipate bringing forward legislation to update our statutes in 2009.

176 We will be making a formal request in April to change one of our Key Performance  
177 Measures.

178  
179 **8c. (out of order) Columbia County Surface Mining Program and DOGAMI – Update**  
180 *Item*

181 At this time, we skipped ahead and Lynch gave his update on the Columbia County  
182 Surface Mining Program (8c on the agenda). Columbia County is the only county we do not  
183 regulate, but we may be taking this over at any time. On the recommendation of the  
184 Assistant Attorney General, we believe that we would require a legislative fix stating how a  
185 transition to DOGAMI will occur. Without a legislative fix, there could be many problems.  
186 We have until April 4<sup>th</sup> to get a Legislative Concept written, and Knudsen has provided rough  
187 draft language of what we need. We would need the Board to endorse going ahead with an  
188 LC. Haagensen believes that it will be important to submit a LC, so we can ensure that the  
189 rules are consistent across all 36 counties.

190  
191 **Motion: Vars moved for staff to continue to develop the Policy Option Packages**  
192 **discussed. Givens seconded the motion. Motion carried.**

193  
194 **Motion: Macnab moved to authorize the agency to move forward with 2**  
195 **Legislative Concepts, one for geothermal and the other for Columbia County Surface**  
196 **Mining Program. Vars seconded. Motion carried.**

197  
198 **7d. Strategic Plan Revision – Presentation of draft Strategic Plan to the Board and**  
199 **determination of public meetings schedule: Action Item**

200 McConnell gave a bit of background on the revision process. The plan will be 6 pages  
201 or less and is our blueprint for the next 6 years. The draft is now ready for public feedback.  
202 We have identified the primary goals of the agency, in no particular order. Haagensen  
203 suggested we need to prioritize the 5 agency goals listed, but McConnell disagreed, saying  
204 that all the goals are integrated, and it would be difficult to prioritize. Haagensen agreed  
205 with her concept, but stated that human nature will automatically place the first thing as the  
206 most important, so we should be very careful about how these are placed, and should  
207 probably not be numbered. Objectives should be broad, and not drilled down to the specific  
208 task level. McConnell suggested that the Board take a look at the draft, and if there are any  
209 comments, to send them to her and she will report back to the writing team. We will have a  
210 full discussion of the draft at the next meeting. The target date for completion is the end of  
211 2008. As soon as the draft is finalized it will go on the website, and we will issue a press  
212 release, but we need to figure out some other ways to present it to the public.

213 Since this document is still in such rough draft form, there is no action required on this  
214 agenda item.

215  
216 **(8) Regulatory Issues: (Gary Lynch, Mineral Lands Regulation and Reclamation Program)**

217 **a. Status of rulemaking – Update Item**

218 We now have a draft of proposed rules for previous legislation. MLRR staff are  
219 reviewing it now. Lynch expects the review to be completed by mid to late March. It will  
220 then go to the Technical Advisory Committee, at which time we will send it to the Board for  
221 informal comment. Lynch believes they will start the formal rule writing near the end March.

222 **b. Summary of operational and enforcement activities for surface mining and oil**  
223 **and gas regulatory programs. Update Item**

224 Lynch explained we are about a month behind the rule writing on the oil & gas rules.  
225 We are expecting to get them to Knudsen next week. Knudsen said the oil & gas rules will  
226 be more difficult, since they are the oldest. He has already begun work on them.

227 Lynch has heard that MEC wants to start producing gas, and has a new funding  
228 partner. We have not seen any new wells, the pipelines are in place, and they seem to be  
229 making progress. If they start production, we will have to go into field designation. Knudsen  
230 said it will require rules and significant Board time. He will investigate the field designation  
231 issue for methane, which we have not dealt with before. Lynch said we could do field  
232 designation under the existing rules, or we could do a temporary rule if necessary.  
233 McConnell said we would need to bring in an expert to help with the field designation, since  
234 no one on staff can do this. Lynch will keep the Board informed of developments.  
235

236 **Agenda item 8c was discussed earlier in the meeting.**

237  
238 **(9) Setting of time and place of next Board meeting: *Action Item***

239 The next Board meeting will be held in Portland on Friday May 23, 2008.  
240

241 Chair Haagensen requested that the Board members fill out their Director's evaluation  
242 sheets and send them to him. He also asked that they comment on the Strategic Plan draft  
243 by the end of March.  
244

245 **(10) Additional Public Comment:**

246  
247 Dorian Kuper, President of the Association of Environmental Engineering Geologists, invited  
248 the State Geologist and the Board to their National Board meeting here in Tualatin, May 17<sup>th</sup>  
249 and 18<sup>th</sup>.  
250

251 **(11) Adjourn:**

252 Meeting was adjourned at 12:15 pm.  
253

254 **Action List: (in no order of priority)**

- 255 1. McConnell will distribute a handout of Ethics changes, such as the dollar limit on  
256 gifts, when the rules are complete.
- 257 2. McConnell will establish a deadline for Strategic Plan comments.
- 258 3. We will keep Larry Givens in the loop regarding the NOAA controversy.
- 259 4. Knudsen will investigate the methane field designation issue.
- 260 5. The Board will fill out the Director's evaluation form and send it to Don Haagensen.
- 261 6. The Board will send their comments on the Strategic Plan to McConnell by the end of  
262 March.  
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264 APPROVED:

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268 Don Haagensen, Chair

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268 Steve Macnab, Vice Chair

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271 \_\_\_\_\_  
272 Barbara Seymour

271 \_\_\_\_\_  
272 Larry Givens

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275 \_\_\_\_\_  
276 Charles Vars  
277