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

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

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

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

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

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

(4) **Board Business:**

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

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

Haagensen said that the results of the evaluation, to be discussed during an Executive Session should be announced. McConnell said the KPM worksheet has been vetted by the
LFO, and thought that this form would fall under that. A public comment requirement is not included in the instructions from LFO. The LFO has vetted everything already, and the structure of the form came from DAS originally, but the Board has tailored it to its specific needs. The Board is not required to report back to the Legislature for final approval.

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

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

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

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

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

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

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

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

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

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

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

Lewis briefed the Board on the data from IMS-22 and Special Paper 34 and the limitations of the data in those reports because of the 10 meter DEM technology used and the inadequate funding of the project. He compared the data from the reports to the data collected from LiDAR. He discussed how our mapping, coastal hazard studies, and
landslide studies are all fitting together, and how they can all be used by the cities and counties for land use planning. He mentioned that the agency wants to educate the public about these hazards and how they can be mitigated. We are working on prototype landslide inventory and landslide susceptibility maps for some cities and counties that have existing LiDAR coverage. Lewis also introduced SLIDO to the Board, which is a statewide landslide inventory map, and will be constantly updated. We are using several computer models and data obtained from the field to inventory landslides and susceptibility to landslides. Burns has written a protocol on how to do an inventory map, which is effectively the standard, so everyone is doing the same thing.

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

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

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

(6) Break

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

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

McConnell referred to the handout included in the packet as a briefing for the Board on the state of the agency. She highlighted the staffing changes, including the extended medical leave for Charles Kirby. Tove Larsen has been appointed Acting Business Manager, Alva Schneff has taken over some of Larsen’s responsibilities, and DuVernois has stepped in to become part of the Business Office team, headed by Don Lewis. We have hired Chip Andrus, a reclamationist with a fish biology background for the MLRR program.

Lynch expressed his pleasure with the new addition to the staff. Our LiDAR database coordinator, Mark Sanchez has given his notice, and we are actively recruiting a replacement.

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

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

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

The agency has been invited to become an unofficial ex-officio member of the Global Warming Commission. She feels it’s important for the agency to have a place on the commission, but she thinks that they are hung up on “global warming” and not thinking of climate change. She believes they need science reality checks and she is willing to do that, but doesn’t know what it will do for the agency.
McConnell briefly discussed the Congressional bills we are tracking, including the reauthorization of the geologic mapping bill and a geothermal initiative. She noted that we are in a struggle with NOAA regarding the funding for the National Tsunami Hazard Mitigation Program. She sent a letter signed by 3 other Pacific Northwest state geologists expressing their dismay at the way they are reorganizing that program. Our funding for that program is getting squeezed when it should be increasing. We should be getting no less that 27% of their appropriations for this program, but NOAA has elected to reinterpret that in a way that gives us less funding than we should be getting. Also, the Pacific Northwest used to be the only area included in this program, but now any state with a coast line is included, so funding is even more watered down.

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


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

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

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

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

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

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

As our state moves toward accomplishing the renewable energy standards geothermal exploration and development of facilities to generate electricity will increase. We have already seen a 400% increase in applications for drilling permits in 2007. Our statutes, administrative rules, and fee structures are in need of review. After stakeholder input and analysis by DOJ we anticipate bringing forward legislation to update our statutes in 2009.
We will be making a formal request in April to change one of our Key Performance Measures.

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

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

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

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

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

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

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

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

a. Status of rulemaking – Update Item

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

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

Lynch explained we are about a month behind the rule writing on the oil & gas rules. We are expecting to get them to Knudsen next week. Knudsen said the oil & gas rules will be more difficult, since they are the oldest. He has already begun work on them.
Lynch has heard that MEC wants to start producing gas, and has a new funding partner. We have not seen any new wells, the pipelines are in place, and they seem to be making progress. If they start production, we will have to go into field designation. Knudsen said it will require rules and significant Board time. He will investigate the field designation issue for methane, which we have not dealt with before. Lynch said we could do field designation under the existing rules, or we could do a temporary rule if necessary. McConnell said we would need to bring in an expert to help with the field designation, since no one on staff can do this. Lynch will keep the Board informed of developments.

Agenda item 8c was discussed earlier in the meeting.

(9) Setting of time and place of next Board meeting: Action Item
The next Board meeting will be held in Portland on Friday May 23, 2008.

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

(10) Additional Public Comment:
Dorian Kuper, President of the Association of Environmental Engineering Geologists, invited the State Geologist and the Board to their National Board meeting here in Tualatin, May 17th and 18th.

(11) Adjourn:
Meeting was adjourned at 12:15 pm.

Action List: (in no order of priority)
1. McConnell will distribute a handout of Ethics changes, such as the dollar limit on gifts, when the rules are complete.
2. McConnell will establish a deadline for Strategic Plan comments.
3. We will keep Larry Givens in the loop regarding the NOAA controversy.
4. Knudsen will investigate the methane field designation issue.
5. The Board will fill out the Director’s evaluation form and send it to Don Haagensen.
6. The Board will send their comments on the Strategic Plan to McConnell by the end of March.

APPROVED:

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Don Haagensen, Chair  Steve Macnab, Vice Chair

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Barbara Seymour  Larry Givens

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Charles Vars