

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

**April 8, 2016
8:30 a.m.**

**Portland State Office Building
Suite 965**

Public Meeting Agenda

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, but the times for public comment will be available as indicated below. This agenda is available on the DOGAMI website: www.oregongeology.org.

- 8:30 a.m. Item 1: Call to Order – Chair Lisa Phipps**
- 8:35 a.m. Item 2: Introductions – Chair Lisa Phipps and staff**
- 8:40 a.m. Item 3: Review Minutes of December 28, 2015 and January 11, 2016**
Board Action: The Board will be asked to take an action on this item
- 8:50 a.m. Item 4: HB 3563 Rulemaking Update – Rich Riggs, Assistant Director**
Briefing: The board will not be asked to take an action on this item
- 9:00 a.m. Item 5: MLRR Legislative Concepts (LCs) – Rich Riggs, Assistant Director**
Briefing: The board will be asked to take an action on this item
- 9:20 a.m. Item 6: Public Comment**
Three minutes limit per person unless otherwise specified at the meeting by the Chair
- 9:35 a.m. Item 7: Department of Justice (DOJ) Summary relating to SB 379 Tsunami Inundation Line – Diane Lloyd, Assistant Attorney General**
Briefing: The board will not be asked to take an action on this item
- 10:00 a.m. Item 8: Community Engagement Strategy – Ali Ryan Hansen, Communications Director**
Briefing: The board will not be asked to take an action on this item
- 10:20 a.m. Break**
- 10:30 a.m. Item 9: Financial Report – Kim Riddell, Chief Financial Officer**
Board Action: The board will be asked to take an action on this item

- 11:00 a.m. Item 10: Director's Report** – Brad Avy, Director
Briefing: The board will not be asked to take an action on this item
- 11:30 a.m. Break**
- 11:45 a.m. Item 11: Working Lunch - Key Performance Measures (KPM)** – Ian Madin, Chief Scientist and Holly Mercer, Assistant Director – lunch will be provided to Board and staff members
Board Action: The board will be asked to take an action on this item
- 2:00 p.m. Break**
- 2:15 p.m. Item 12: Continuation of KPM Discussion**
- 3:15 p.m. Item 13: Board Recognition** – Lisa Phipps, Chair
- 3:35 p.m. Item 14: Public Comment**
Three minutes limit per person unless otherwise specified at the meeting by the Chair
- 3:45 p.m. Item 15: Board Adjourn**

PLEASE NOTE

AGENDA

The Board meeting will begin at 8:30 am, and proceed chronologically through the agenda.

PUBLIC TESTIMONY

If you wish to give testimony on any Item scheduled on this agenda, please sign up on the sheets provided on the day of the meeting and you will be called to testify by the Board Chair. The Board places great value on information received from the public. Persons desiring to testify or otherwise present information to the Board are encouraged to:

1. Provide written summaries of information to the Board (6 sets);
2. Limit testimony to 3 minutes, recognizing that substance, not length, determines the value of testimony or written information;
3. Endorse rather than repeat testimony of other witnesses; and
4. Designate one spokesperson whenever possible when groups or organizations wish to testify.

THANK YOU FOR TAKING TIME TO PRESENT YOUR VIEWS

If you bring written materials to the meeting, please provide six (6) copies. If you have questions regarding this agenda, please contact Ali Ryan Hansen at (971) 673-0628 or you may email her at ali.hansen@state.or.us

REASONABLE ACCOMMODATION OF DISABILITIES

Reasonable accommodation, such as assisted hearing devices, sign language interpreters, and materials in large print or audiotape, will be provided as requested. In order to ensure availability, please contact the Director's Office at (971) 673-1555 at least 72 hours prior to the meeting to make your request.

Staff Report and Memorandum

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

From: Holly Mercer, Assistant Director

Date: March 31, 2016

Regarding: Agenda Item 3 – Review Minutes of December 28, 2015 and January 11, 2016

Attached are draft Board Minutes from December 28, 2015 and January 11, 2016.

Proposed Board Action: The Board Minutes of December 28, 2015 and January 11, 2016 be Approved/Approved as amended/Not Approved.

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

Monday, December 28, 2015

8:30 a.m.

Portland, Oregon

1) Call to Order: (Larry Givens, Board Chair)

Chair Larry Givens called the meeting to order at 8:35 a.m.

2) Introductions: (Larry Givens, Board Chair and staff)

Chair Givens, Vice Chair Lisa Phipps, and Board Members Scott Ashford, Dennis Luke (via phone) and Laura Maffei (via phone) were in attendance.

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

Brad Avy, Director/State Geologist

Richard Riggs, Assistant Director of Mineral Land Regulation and Reclamation (MLRR)

Holly Mercer, Assistant Director of Geological Survey and Services (GS&S)

Kim Riddell, Chief Financial Officer (CFO)

Alyssa Pratt, Office Specialist

Others in attendance:

Rich Angstrom, Oregon Concrete & Aggregate Producers Assn (OCAPA) & Oregon Mining Assn

Larry Knudsen, Department of Justice (DOJ)

Lauri Aunan, Governor's Office

Traci Cooper, Department of Administrative Services (DAS) Transition Team

John Terpening, Legislative Fiscal Office (LFO)

3) Review Minutes of August 21, 2015, September 24, 2015, and October 30, 2015:

Phipps asked if the Agency would like to receive feedback in advance about typographical errors.

Mercer stated that if the error is not substantive the agency could make changes without a revision at the board meeting, but if the error is substantive the minutes will need to be revised at the board meeting.

Board Action: **Phipps moved to approve the minutes of August 21, 2015, September 24, 2015, and October 30, 2015. Ashford seconded. Motion carried.**

4) Election of Chair and Vice-Chair for 2016:

Givens indicated that with his new role as Association of Counties President and upcoming end of his second term on the Board, he would like to step down as Chair. Givens opened the floor for nominations for Chair and Vice Chair.

16 Board action: Givens moved to nominate Phipps as Chair. Luke seconded. Motion carried with
17 Phipps abstaining.

18 Board action: Phipps moved to nominate Maffei as Vice-Chair. Luke seconded. Motion carried
19 with Maffei abstaining.

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5) Approval of 2016 Meeting Schedule:

23 Luke suggested that the Board consider meeting prior to April 4, 2016 in the event the Agency
24 needed Board guidance during the legislative session. He suggested that during the January 11, 2016
25 conference call, the Board could determine if a meeting would be necessary during session. A
26 tentative date was suggested for February 12, 2016. Phipps suggested moving the April 4, 2016
27 meeting to April 8, 2016. Ashford inquired as to whether all the meetings are in Portland. Givens
28 responded that the Board has had meetings in other locations but there was no further discussion
29 about holding the meetings at a different location in 2016.

30
31

The proposed meeting dates and times are:

32 January 11, 2016 teleconference at 8:30 a.m.

33 TENTATIVE February 12, 2016, teleconference at 8:30 a.m.

34 April 8, 2016 at 8:30 a.m.

35 June 10, 2016 at 8:30 a.m.

36 September 19, 2016 at 8:30 a.m.

37 December 9, 2016 at 8:30 a.m.

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39 Board action: Ashford moved to accept the proposed dates and times. Phipps seconded. Motion
40 carried.

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6) Approval of Board Delegation Documents:

44 Mercer proposed revisions to the Approval of Delegation document. The revised language provides
45 the Board with more flexibility in the event an Acting State Geologist takes the place of the State
46 Geologist. With Brad Avy being hired as the new State Geologist, the document needed to be
47 updated and revised.

48

49 Phipps asked whether the delegation should be on a case-by-case basis. Larry Knudsen explained
50 that the purpose of the document was to provide authority to the State Geologist or Acting State
51 Geologist to carry out ministerial functions and provide legal authority to do so. If, however, the
52 Board wanted to reject the delegation, the Board had the authority to do so.

53

54 Avy inquired about the process of delegating to an Acting State Geologist. Knudson said an email
55 indicating the delegation would be appropriate so that there is a record of the delegation. Ashford
56 inquired as to whether the State Geologist has authority to delegate or name an Acting State
57 Geologist, and Knudsen stated that the State Geologist had that authority.

58

59 Board action: Ashford moved to approve the document. Maffei seconded. Motion carried.

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61
62 **7) Receive legal guidance regarding MLRR rules relating to HB 3563:**

63 Riggs previously asked for approval and received approval from the Board for rulemaking due to
64 passage of HB 3563. The proposed rule was published in the Oregon Bulletin, but due to an error in
65 the notice process, legislative members were not given notice. Permanent rulemaking will be
66 recommenced after the February legislative session.

67 Riggs stated that the temporary rule language is similar to the proposed permanent rules except for
68 the staggering of registrations with aggregate miners in the first phase and placer miners in the
69 second phase. Riggs further explained that the staggering registrations was done for the following
70 reasons: 1) there is legislation which may be brought forward by Senator Bates regarding placer
71 miners that could impact this rule so they wanted to give some time for the legislation to go through
72 and see what form that would actually take; 2) staff will have time to adopt the rule and get the
73 aggregate miners registered; 3) if staff need to register placer miners, they will have worked out the
74 "bugs" in the registration process. Riggs indicated that the temporary rule is in effect for six months.
75

76 Knudsen explained that the agency is asking for two procedural steps. First authorize the
77 department to re-notice with the revised rule language and, second, to adopt the temporary rule at
78 the January board meeting. Luke wanted to know what determines the initial fee of up to \$400.
79 Riggs said the board determines the fee. People registering for the first time would pay up to a \$400
80 fee and those renewing in subsequent years would pay \$150. Knudsen said the fee statute is set up
81 differently for MLRR, because it established a maximum fee and allows the board to set a lesser fee.
82

83 Angstrom asked to provide public comment on this issue. Knudsen said that the Oregon
84 administrative rules have a provision that prohibits late comments on a rule after the comment
85 period has closed and the comment period on the rules has closed. If the Board opens the rules,
86 then public comment may be received.
87

88 Board action: Luke moved to authorize the revision of the proposed rule to set a staggered
89 application schedule and to renote the rule. Phipps seconded. Motion carried.

90
91 Board action: Luke moved to schedule a telephonic meeting on January 11, 2016 to consider the
92 adoption of the temporary rule that establishes a staggered schedule for filing the exclusion
93 certificate applications time to be set for 8:30 a.m. and begin the public hearing at 9:00 a.m.
94 Phipps seconded. Motion carried.
95

96 Luke inquired as to whether there was much negative comment on this rule. Riggs said there has
97 been conversation with Angstrom, but Angstrom is the only person to come forward.
98

99 Angstrom provided public comment stating that OCAPA ran the fee bill to get DOGAMI back on
100 financial footing. He further stated that industry believes there are a number of operators that are
101 operating above the regulatory threshold but not paying DOGAMI fees, placing other operators at a
102 competitive disadvantage. Angstrom explained that the reason OCAPA put forward the amendment
103 was to try and capture operators that aren't playing by the same rules. Angstrom further stated that
104 OCAPA believes the department should separate out aggregate producers from placer miners in
105 discussions over exemption certificate. Angstrom stated that the placer miners have never been

106 regulated and are always under the threshold. Angstrom explained that during discussions
107 surrounding HB 3563 there was never an intent to include the placer miners and OCAPA took full
108 responsibility for the placer miners being inadvertently swept under the exclusion certificate
109 requirements. Angstrom pointed out that the federal government, Department of Environmental
110 Quality (DEQ), and Department of State Lands (DSL) regulate the placer miner community so there
111 was no intent to include the placer miners in HB 3563. The primary reason for the legislation was to
112 capture the evasion of regulation by the aggregate operators.

113
114 Angstrom stated that he has received feedback from the industry and he may have objections to
115 proposed changes to section 4 of OAR 632-030-0017. He also provided a brief history of historic
116 mining and grandfathered sites. Angstrom indicated that he would continue his conversations with
117 industry and provide additional feedback to Riggs. Angstrom also expressed that he believed the rule
118 should be a permanent rule rather than a temporary rule.

119
120 Givens indicated that he had concerns about potential conflicts with land use laws. He wanted to
121 ensure that the rules did not conflict with county planning efforts. Knudsen indicated that land use
122 planning is supposed to be coordinated but it is not always perfect. He explained that some of the
123 issues relate to pre-existing non-conforming use. Knudsen stated that in terms of metal placer
124 mining, he believed that the main land use issue that is outstanding is that most of the metal placer
125 mining is occurring on federal land and the relationship between state land use planning and
126 regulation on federal land is often an issue. Knudsen further explained that although land use
127 planning was codified in the early 1970s, not all issues were resolved.

128
129 Phipps asked for clarification of the issues. Riggs stated that typically placer miners are under
130 DOGAMI'S thresholds but may be subject to DEQ or DSL permits. Phipps stated the same situation
131 applies to aggregate miners under a certain threshold; the agency doesn't exert any authority over
132 them but will exert authority over them once they pass the threshold. Riggs indicated that there are
133 1500 placer miners that have DEQ permits that could potentially pay for the exclusion certificate and
134 approximately 200 aggregate operators that are registered with the agency under a grant of total
135 exemption.

136
137 Knudsen stated DOGAMI'S regulatory authority should be clarified and the term placer mining should
138 be explained. Placer mining could be metal mining, but placer mining could also be aggregate
139 mining. Knudsen suggested that the agency should be using the terms metal placer mining and
140 aggregate mining. He explained that the line above the ordinary high water mark down is DSL's
141 regulation and below the high water mark with discharged waters then DEQ would regulate the
142 discharge; above the high water mark DSL only has authority on state lands. Neither DEQ nor DSL
143 regulate mining.

144
145 Angstrom pointed out that there may be some legislation to regulate the placer mining community.
146 Riggs indicated that those discussions are ongoing with Senator Bates. Givens stated that he believed
147 legislators would be reluctant to include recreational miners in the regulatory scheme. Ashford
148 inquired about the impact of the fees. Knudsen stated that there are two issues: one is the impact
149 of the fee on the mining operations and the other is the cost to DOGAMI to issue the certificate.
150 Knudsen also offered to provide the Board a primer on the various regulatory systems if the Board so
151 desired.

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153

154 **8) Review Draft Budget Note Response:**

155 Mercer provided the Progress Report 2015 and the Progress Highlights. She explained that the
156 management team had been meeting every other week with Budget and Management (BAM) and
157 Legislative Fiscal Office (LFO) to keep them updated. The budget note response was initially drafted
158 in October 2015 and has been revised multiple times. Feedback from the Governor's office, BAM,
159 and LFO, was to be very realistic about DOGAM's accomplishment and goals. Mercer indicated that
160 they would continue to receive feedback, but she believed there would be very few substantive
161 changes from the current draft.

162
163 Givens and Phipps recognized the staff for their efforts. Phipps also stated that she appreciated that
164 the Governor's office, BAM, and LFO have been intimately involved in the process. Mercer also
165 stated that the IT Assessment portion of the budget note is being drafted by the State Chief
166 Information Officer's office.

167
168 Luke inquired about the Chief Financial Officer (CFO) position. Mercer explained that Kim Riddell was
169 hired as the CFO and Department of Administrative Services (DAS) will be doing a large component of
170 the financial operations through DAS Shared Services. Luke also inquired as to whether the Agency
171 would move the financial operations back into the agency. Mercer replied that at some point the
172 Agency would do a cost-benefit analysis regarding DAS Shared Financial Services. Avy commented
173 that it was his observation that staff had worked really hard during this interim period and they
174 should be commended.

175
176 Mercer requested that the Board members provide additional feedback to her with a copy to Ali Ryan
177 Hansen prior to January 11, 2016. Phipps expressed concern that the agency ensure that the
178 improvement in business practices and diligence around the finances be kept at a high priority level.
179 Mercer assured her that the Agency will not relax and will stay diligent in their efforts to improve
180 practices. Luke commented that when he first joined the Board, the Board received a very complex
181 financial report on the day of the board meetings and it was very difficult to understand the finances.
182 Luke indicated that he felt the current financial report was much easier to understand.

183
184 Briefing: **No Board Action Required.**

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186
187 **Break**

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189
190 **9) Review Annual Performance Progress Report (APPR) and Key Performance Measures (KPM) update:**

191 Mercer discussed the APPR summary and the need for deletion and revision and KPMs. Mercer
192 asked for feedback from the Board regarding KPM 11. She indicated that the KPM would indicate
193 that the Director's performance was not completed during the past fiscal year. Mercer asked if the
194 Board agreed that the KPM should indicate "no" on the component regarding accounting rules and
195 other relevant financial controls and whether the Board reviewed management practices to ensure
196 best practices are utilized. The Board indicated that they agreed with answering no on those
197 particular components of KPM 11.

198

199 Luke asked about KPM 4 and Mercer indicated that there was no KPM 4. Luke also inquired about
200 KPM 5 regarding the total number of mining acres that have been reclaimed and returned to
201 beneficial use. Riggs indicated that it is very difficult to provide that number due to prelaw sites and
202 small sites not under DOGAMI's jurisdiction. Luke specifically mentioned a mine at Terrebonne and
203 noted that neither DEQ nor DOGAMI have regulatory authority over the site. Riggs indicated that for
204 KPM 5 and KPM 8, the issue is that DOGAMI has very little control over the outcomes. He will be
205 providing revised language for KPMs affecting MLRR during the budget process.
206

207 Phipps inquired about the KPM 11 and the governance criteria. Mercer explained that the
208 governance criteria are established for boards and commissions. DOGAMI would not be suggesting
209 any revisions for KPM 11 relating to governance and KPM 10 relating to customer service since those
210 are mandated KPMs.
211

212 Board Action: **Phipps moved that the APPR report be approved. Maffei seconded. Motion carried**
213 **with Ashford abstaining.**
214

215

216 **10) Review Financial Report:**

217 Riddell referred to the financial report provided to the Board. She thanked Traci Cooper for the work
218 on the financial report. Riddell went over the categories listed on the financial report. Ashford had
219 several questions about the report, particularly around ending balance and the appropriate amount
220 of ending balance. Riddell explained that the agency should have an ending balance of at least three
221 months of operating funds. She also explained that with the fee increase for MLRR in January, the
222 agency anticipated increased revenue for the MLRR program. Ashford inquired about how other
223 funds and federal funds are generated. Riddell explained that other funds come primarily from other
224 state or local entities and federal funds primarily come through grants. Luke pointed out federal
225 funds are not paid in advance and the agency must incur the expenditure and then seek
226 reimbursement.
227

228 Phipps inquired about why the agency was five months late in paying our rent. Riddell explained that
229 due to some miscommunication issues, the rent was not paid timely. The agency plans to address
230 the issue by establishing an accounts payable email address that will be received by the finance
231 department. Luke inquired about the Albany lease and Riggs replied that they are renegotiating the
232 Albany lease with plans to stay in Albany. Mercer also indicated that the Newport lease has not been
233 signed due some title issues with the landlord. Phipps asked about how the projects are accounted
234 for in the spreadsheet. Riddell replied that they are accounted for throughout the spreadsheet, but
235 the lidar program, for example, would not show up specifically in the spreadsheet as a separate
236 project. Riddell asked for additional feedback on the format of the financial report. Maffei indicated
237 that she would like more time to review the spreadsheet since she just received it on the day of the
238 board meeting.
239

240 Phipps asked about the federal fund negative balance. Riddell explained that the funding type may
241 stay in the negative until revenue is generated and then on the accounting side the revenue result in
242 a positive balance. Luke asked about what is included in the GS&S component. Riddell explained
243 that GS&S are all non-MLRR accounts including all the lidar projects. Luke pointed out that the email
244 the Board received had other spreadsheets with projects. Traci Cooper explained that the
245 spreadsheet in the email had additional information to assist in completing the financial report, but

246 the financial report was the only document in front of the Board. Givens suggested that going
247 forward, the Board may want to consider an action item to accept the financial reports.

248

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

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252 **11) Project Approval Process:**

253 Mercer presented two documents related to the project approval process. The documents were a
254 sample form for presenting a project to the leadership team and the procedure related to federal
255 grant approvals by the legislature. Mercer explained that there were instances in the past that the
256 project teams negotiated a project but the business office was not fully kept in the “loop.” The
257 procedure better defines the process and will required discipline by the agency to ensure that the
258 process is followed. Mercer stated that the leadership team would like the Board’s feedback and
259 support for the procedure.

260

261 Avy added that the underlying principle is that no part of the Agency operates in isolation and there
262 is a collective “buy-off.” Avy continued that even early in his position he has come across instances
263 where there is an expectation by stakeholders that we quickly agree to support a project and parts of
264 the Agency are not brought in early enough. This process will help ensure that all parts of the Agency
265 are included.

266

267 Ashford asked about whether the legislative approvals would be timely for the competitive grant
268 process. Mercer replied that it is a concern and the Agency may have to ask for retrospective
269 approval on occasion. Luke suggested that the process include notification to the Board so that the
270 Board members are not surprised if stakeholders in their communities ask about a particular grant.
271 Mercer indicated that she would amend the procedure to include notice to the Board members.

272

273 Phipps inquired about how the funding sources are captured in the project data sheet. Mercer
274 explained that even though there may be multiple funding partners on the project, the data sheet is
275 trying to capture the primary funder to DOGAMI, particularly whether it is through a competitive
276 grant which requires legislative approval. Ashford asked whether the project budgets are reviewed
277 by someone in the agency other than the principal investigator. Mercer replied that the project
278 budgets are reviewed by the CFO. Ashford sought additional clarification about how the principal
279 investigators put the budget and staffing together for the proposal. Mercer clarified that it is a joint
280 discussion with the CFO, Chief Scientist and Mercer.

281

282 Ashford also sought clarification as to what happens if the project performance period has ended and
283 the agency continues to work on the deliverables. Mercer replied that the time expended would
284 then be coded to general fund. Mercer further explained that if the funder is receptive to an
285 amendment to extend the contract, either because the Agency has not expended all the funds or the
286 deliverables are not complete, the Agency could ask for an amendment. Avy stated that this is basic
287 project management and the Agency, over time, will improve its processes.

288

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

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291 **12) Update on SB 379 Tsunami Inundation Line:**

292 Ali Ryan Hansen, Earth Science Information Officer, recapped the public involvement plan adopted by
293 the Board in August, which aims to inform stakeholders and the public about the potential change
294 and provide opportunities for feedback and discussion prior to the Board taking any rulemaking
295 action. The plan includes convening an advisory committee to guide the public involvement process
296 and to assist in considering feedback.

297
298 The timeline calls for the process to start in March, with the creation of the advisory group, and go
299 throughout with spring and early summer with a recommendation for rulemaking before the board in
300 the summer. We are on track with that timeline, Hansen said. Staff will soon begin to lay the
301 groundwork for the process by reaching out to stakeholders and local communities to identify
302 advisory group participants, as well as having conversations to get initial feedback that will help guide
303 the work of the advisory committee, as well as inform development of communication tools like a
304 website and FAQ.

305
306 Givens asked if any dates have been identified. Hansen said no, the advisory group will convene in
307 March. Next step after that is direct outreach to stakeholders such as state agencies, coastal
308 counties and cities, critical and essential building owners, the building industry, owners of property in
309 the expanded area to get their feedback. Their feedback will be considered with the advisory group.
310 Timeline for that is March and April. Public informational meetings will happen in May. Locations for
311 those meetings have not yet been identified, Hansen said, but the conversations staff has will
312 stakeholders will guide us in determining locations.

313
314 Ashford asked if Hansen would expect elected officials to be surprised by the potential change.
315 Hansen said some will and some will not. We don't yet know how aware elected officials and others
316 are, how interested they will be and what their concerns will be. More time is built into the process
317 in the beginning to consider initial feedback, and work through those concerns and questions. Givens
318 said when the Senate Bill was passed business and coastal communities were aware, but not all
319 elected officials were in office when that happened. Ashford asked if new elected officials are
320 briefed by DOGAMI. Hansen said no, which is part of why we want to be thorough with the public
321 involvement process, because awareness of the tsunami regulatory line varies. Givens noted that the
322 Association of Oregon Counties and the League of Oregon Cities do orientations for newly elected
323 officials, but information about this upcoming process would not be included. Phipps said the coastal
324 caucus will need to be involved sooner rather than later. She also noted she would be happy to help
325 with logistics when the time comes.

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13) Director's Report:

329 Avy reported that the staff has been very helpful in introducing him to both the strengths and
330 weaknesses of the Agency. He indicated that of particular concern is the balance between the need
331 for some process and procedure but without becoming overly bureaucratic. He hopes the Agency
332 can find that balance and hold itself accountable and not lose sight of why we are doing the work.
333 Avy specifically mentioned the landslide sustainability map and the need for further collaboration
334 with other agencies about potential intersections with their work. Avy reiterated the need for
335 internal collaboration prior to proceeding with projects so that the projects better align with the
336 strategic framework. Avy indicated that he looked forward to working with the Board.

337

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

Monday, January 11, 2016

Teleconference

8:30 a.m.

Portland, Oregon

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

Chair Lisa Phipps called the meeting to order at 8:35 a.m.

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

Chair Phipps (via phone) and Board Members Dennis Luke (via phone) and Scott Ashford (via phone) were in attendance. Absent: Vice Chair Laura Maffei and Board Member Larry Givens

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

Brad Avy, Director/State Geologist

Richard Riggs, Assistant Director Mineral Land Regulation and Reclamation (MLRR)

Holly Mercer, Assistant Director of Geological Survey and Services (GS&S)

Alyssa Pratt, Recording Secretary/Office Specialist

Jon Allan, Coastal Geomorphologist (via phone)

Others in attendance:

Rich Angstrom, OR Concrete and Aggregate Producers Assn (OCAPA) & OR Mining Assn (OMA)

Larry Knudsen, Department of Justice (DOJ) (via phone)

Lauri Aunan, Governor's Office (via phone)

Traci Cooper, Department of Administrative Services (DAS) Transition Team

3) Public Comment:

1 Phipps asked for public comment. Rich Angstrom, Oregon Concrete Aggregate Producers Association
2 (OCAPA) & Oregon Mining Association (OMA) stated that the fees proposed will help the agency's
3 revenue and capture some of the evasion. Angstrom also stated that placer miners should not be
4 regulated under the statute, it was not the intent of the statute to regulate them, and noted that it
5 was an oversight in the legislation. He further stated that the association plans to modify the
6 legislation so that it just applies to aggregate mining. He reiterated that it was not the intent in the
7 2015 legislation to regulate those individuals using a pick and shovel to fill up a five gallon bucket.
8 Angstrom stated that he appreciated staff's effort in working with industry and moving toward
9 financial stability for the MLRR program and moving forward on policy and regulatory issues.
10
11

4) Adopt Proposed Temporary Rules relating to HB 3563:

12 Riggs stated that he would be happy to answer any questions regarding the proposed temporary
13 rules. Ashford asked for clarification regarding the metal miners and whether they would be
14 included in the rule. Riggs indicated that they would be included but their registration would be
15 staggered. Riggs further clarified that there would be approximately 200 permittees that would
16

17 come forward during the first phase and then up to 1500 metal placer miners may come forward in
18 the second phase. Ashford asked if the metal placer miners would need to pay for an exclusion
19 certificate. Riggs indicated that if there were no changes in legislation that would be correct. Larry
20 Knudsen further clarified that if the metal placer miner is excavating and producing metals for sale
21 then technically they would need to register.

22
23 Phipps inquired and Riggs confirmed that OAR 632-030-0017 had been eliminated. Riggs added that
24 initially there were three provisions that were brought to the board for changes; OAR 632-030-0016,
25 OAR 632-030-0017, and OAR 632-030-0022. Riggs continued to explain that it was subsequently
26 decided to not proceed with any changes to OAR 632-030-0017. Knudsen indicated that for purposes
27 of the permanent rule going forward, he believed that there would be an amendment to OAR 632-
28 030-0017.

29
30 Luke asked for clarification regarding the language in the rule about excavation or other land
31 disturbance operations that “substantially contribute to the profitability of the farm.” Knudsen
32 clarified that the profitability related to excavation activity rather than the farming operations.

33
34 Riggs explained that he needed two board actions. One board action is to adopt the findings of
35 justification of need and then the board action to adopt the rules. Riggs read into the record the two
36 findings of justification of need.

37
38 Board action: Luke moved for approval of the two findings of justification of need as presented.
39 Ashford seconded. Motion carried.

40 Board action: Luke moved to adopt the proposed temporary rule that implements statutory fee
41 increases associated with HB 3563 and which establishes a staggered schedule for filing of
42 exclusion certificate applications. Ashford seconded. Motion carried.

43
44 Riggs clarified that the rule would be posted in the Oregon Bulletin in April and the board would take
45 action on the rule at its June meeting.

46 47 **5) Review updated draft of Budget Note Response:**

48 Mercer updated the Board about the progress of the Budget Note response and the presentation
49 material. She explained that she would let the board know if there were any additional substantive
50 changes to the previously distributed draft. Luke asked if the Legislative Fiscal Office staff (LFO) were
51 satisfied with the Budget Note response. Mercer replied that she believed LFO was pleased with the
52 narrative and DOGAMI staff would continue to seek their feedback about the presentation material.

53
54 Mercer also indicated that there was a legislative hearing in the next week to submit grant proposals
55 for legislative approval. Luke asked if the board would be notified of future grant proposals and
56 Mercer indicated that she has added board notification to grant approval procedures.

57
58 Mercer then discussed the need for a longer board meeting to discuss Key Performance Measures
59 (KPMs). Cooper stated that the KPMs will need to be included during the budget development for
60 2017-2019. Phipps asked whether the Board would need a separate meeting to review KPMs and
61 Mercer replied that the Board may need an additional meeting, but she was unsure of the
62 scheduling.

63
64 Phipps thanked the staff for their work on the Budget Note response.

65
66 Briefing: **No Board Action Required.**

67
68 **6) Public Comments:**

69 Phipps asked for public comment. Angstrom indicated that he was testifying on behalf of OMA. He
70 indicated that under HB 3089 the department should look at how it wants to participate in promoting
71 mining across the state and bringing in some business opportunities. He further indicated that
72 blending the regulatory program and promoting mining under “one tent” doesn’t make sense and
73 the two programs should be separated. Angstrom closed by stating that there are mining
74 opportunities in Oregon, particularly in the economically challenged areas in the southeast part of
75 the state.

76
77 **7) Adjourn:**

78 At the conclusion of the public comment period, Chair Phipps adjourned the meeting at 9:11 a.m.

79
80
81 APPROVED

82
83
84
85 _____ Date
86 Lisa Phipps, Chair
87

Staff Report and Memorandum

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

From: Richard Riggs, Assistant Director

Date: March 15, 2016

Regarding: Agenda Item 4 – HB 3563 Rulemaking Update (Exclusion Certificates)

Attached are the proposed permanent rule amendments to OAR 632-030-0016 and 632-030-0022

Background:

HB 3563 was supported by the Oregon Concrete and Aggregate Producers Association (OCAPA) and increased fees associated with surface mining for the first time since 2005. The bill also created an exclusion certificate (EC) program that requires smaller aggregate and placer mining operations to register with DOGAMI and pay an initial fee of up to \$400, with an annual renewal fee of \$150. HB 3563 is now codified at ORS 517.753.

The DOGAMI Governing Board authorized the agency to undertake rulemaking to implement the EC program and adopted temporary rules at its December 2015 meeting. Temporary rules were adopted because of a notice error during the first attempt of rulemaking, and because it was anticipated that the legislature would take action on ECs during the 2016 session (SB 1530) to limit ECs to sand, gravel, aggregate and crushed stone surface mining operations. SB 1530 died in committee and permanent rule amendments need to be adopted to enact the EC program under ORS 517.753.

Current status:

The public comment period on OAR 632-030-0016 and 632-030-0022, runs from April 1 – 29 (Friday). The agency will host two public hearings and conduct outreach by mail and email, to all known aggregate and placer miners that may be affected. The public hearing in Albany will occur on April 12, in Albany City Hall's Santiam Room, from 2-4pm. The second hearing will be held in Baker City on April 19th, at 5-7pm at the Gieser Grand Hotel's, Cellar meeting room.

The proposed rule amendments stagger application deadlines for exclusion certificates (EC) for aggregate and placer mining communities. There are approximately 200 aggregate and 1,500 placer mining sites that DOGAMI expects will fall under the statutory requirements to register for an EC. By staggering registrations so that aggregate sites must

register first, the agency hopes to discover and work out all potential problems that may arise with registration processes, database, forms, etc. before tackling the much larger placer mining community. In addition, the proposed rule amendments would set a reduced application fee of \$150 for smaller placer mining operations below 1,500 cubic yards, because these smaller placer mining sites are oftentimes recreational in nature and generally not operated as commercial activities.

The agency anticipates bringing the proposed rule amendments before the board at its June 2016 meeting for consideration and adoption.

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

DRAFT

632-030-0016

Exclusion Certificates

(1) Pursuant to ORS 517.753, an exclusion certificate is required for a surface mining operation that falls under the yard and acre thresholds for which an operating permit is required. A person seeking an exclusion certificate must file an application as provided in section (2) of this rule and the application must be accompanied by the nonrefundable fee required under OAR 632-030-0022. The application must be filed in accordance with the schedule established in section (3) of this rule.

(a) When a mining operation that is subject to an exclusion certificate loses its eligibility and is required to obtain an operating permit, all areas and operations at the site are subject to the Act and the rules adopted thereunder. When multiple mining areas are located within one parcel or contiguous parcels, the volume of minerals extracted or produced or mineral deposits and overburden disturbed, and disturbed acreage shall be calculated based on the total of all sites within the parcel or contiguous parcels.

(b) Excavation or other land disturbance operations reasonably necessary for farming include only the term "farming" as used in ORS 517.750(15)(b)(B) and means "farm use" as defined in ORS 215.203 but does not include other uses permitted in exclusive farm-use zones under ORS 215.213 or 215.283. Farm excavation or other land disturbance operations are reasonably necessary only if it substantially contributes to the profitability of the farm use and other alternatives to accomplish the same objective are significantly more expensive or otherwise impractical. Farming does not include excavation for ponds intended for recreational or aesthetics purposes or for fish or wildlife habitat.

(2) An application for an exclusion certificate must be made on the form approved by the Department. The application must include the following information:

(a) The name of the operator;

(b) Location of the excavation;

(c) The ownership of the property; if the operator is not the landowner, the operator shall provide written proof of land owner's permission to mine the site on the landowner's property;

(d) Size of the mining related disturbance at the site;

(e) Date of commencement of the excavation;

(f) A detailed summary of the mining activities during the previous 60 months;

(g) An explanation of why the activity is exempt; and

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(h) Any other information that the Department determines to be useful to determine whether an operation is properly excluded from permitting and reclamation requirements.

(3) Applications for nonaggregate mineral surface mining operations (including metal placer mines) must be filed no later than July 31, 2017, or within 90 days after excavation commences, whichever is later.

(4) Applications for existing sand, gravel, aggregate, or crushed stone mining operations must be received no later than September 30, 2016, or within 90 days after excavation commences.

(5) The Department will review an application upon receipt and notify the applicant whether the application is complete. If an application is deemed incomplete it will be returned to the applicant with a description of the missing information.

(6) The holder of an exclusion certificate must file an annual report on the anniversary date of the issuance of the certificate. The annual report must be accompanied by the annual fee established in ORS 517.753 and must include the following information:

(a) Volume of minerals extracted, or mineral deposits and overburden disturbed during the previous year;

(b) Amount of additional lands affected by mining during the previous year; and

(c) Total number of acres affected by the operation.

Stat. Auth.: ORS 517

Stats. Implemented: ORS 517.750

Hist.: GMI 5, f. 12-20-73, ef. 1-11-74; GMI 7, f. 11-7-74, ef. 12-11-74; GMI 1-1980, f. 2-29-80, ef. 3-1-80; GMI 2-1982, f. & ef. 8-13-82; GMI 2-1985, f. 11-19-85, ef. 11-20-85; GMI 2-1986, f. 9-19-86, ef. 9-22-86; GMI 1-1988, f. 3-30-88, cert. ef. 3-11-88; GMI 2-1997, f. & cert. ef. 10-14-97; DGMI 1-1999, f. & cert. ef. 1-7-99; DGMI 1-2000, f. & cert. ef. 7-20-00; DGMI 1-2009, f. & cert. ef. 5-15-09

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632-030-0022

Fees

- (1) The fees applicable to this rule division are the maximum fees allowed by ORS 517.753 and 517.800, except as provided below.
- (2) Annual fees are due on the anniversary date of the issuance of the operating permit, limited exemption certificate, or exclusion certificate unless a different renewal date is established by the Department. The Department will provide the permittee or certificate holder with 60 days advance notice before establishing a new renewal date. The Department shall prorate annual fees at the permittee's or certificate holder's request if a new renewal date is established.
- (3) A permittee or certificate holder must renew their permit or certificate annually, on or before the last day of the month shown on the permit or certificate as the renewal month. Operators that hold both a limited exemption certificate and an operating permit on the same property, or contiguous properties that are operated as a single mining activity, shall pay a single annual renewal fee pursuant to ORS 517.800, including the required base fee and total reported production from all sites within the parcel or contiguous parcels. The non refundable annual fee must be paid and the annual report form returned prior to renewal. A permittee or certificate holder must pay all delinquent fees and accrued interest owed to this Department prior to renewal, transfer, or amendment of the permit or certificate.
- (4) Notwithstanding the fees established in ORS 517.753, nonaggregate mineral surface miners (including metal placer mines) who disturb less than 1,500 cubic yards of overburden or mineral deposits by excavation or any other surface mining or milling methods on any land surface during any stage of mineral production, shall pay a nonrefundable application fee of \$150.
- (5) The Department will impose a late fee equal to five percent of the amount of any annual fee that is more than 60 days past due.
- (6) The fees established by this rule also apply to emergency permits issued pursuant to ORS 517.832 and temporary operating permits issued under ORS 517.834.
- (7) The Department may waive the fee for a minor amendment in those situations where significant administrative resources are not needed to process the amendment.

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Stat. Auth.: ORS 517

Stats. Implemented: ORS 517.800

Hist.: GMI 2-1997, f. & cert. ef. 10-14-97; DGMI 1-1999, f. & cert. ef. 1-7-99; DGMI 1-2000, f. & cert. ef. 7-20-00; DGMI 2-2003, f. & cert. ef. 8-22-03; DGMI 3-2003, f. 8-29-03, cert. ef. 9-1-03; DGMI 1-2005(Temp), f. & cert. ef. 8-3-05 thru 1-30-06; DGMI 1-2006, f. & cert. ef. 1-10-06; DGMI 1-2009, f. & cert. ef. 5-15-09

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STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking accompanies this form.

Department of Geology and Mineral Industries

OAR Chapter 632, Division 30

Rule Caption:

Amends rules to implement 2015 legislation (HB 3563) requiring exclusion certificates for certain mining operations.

Statutory Authority: ORS 516.090 and ORS 517.840

Statutes Implemented: ORS 517.750; ORS 517.753; ORS 517.755; ORS 517.800.

Need for the Rules: The proposed amendments to OAR 632-030-0016 and 632-030-0022 are necessary to implement provisions in 2015 legislation (HB 3563) that require certain persons engaging in surface mining to obtain exclusion certificates and to establish fees for applying for the certificates.

Fiscal and Economic Impact: There are three main types of fiscal impact associated with exclusion certificates required under ORS 517.753: (1) Costs associated with applying for an exclusion certificate, including gathering the required information and payment of the application fee. (2) Costs associated with filing the annual report and paying the annual renewal fee. (3) Costs incurred by DOGAMI to implement the exclusion certificate program, including outreach, processing, application review, data collection and storage, assistance to regulated entities, and enforcement. The only discretionary action of the Governing Board that may affect the fiscal and economic impact is the setting of application fees. Under ORS 517.753, application fees are set by the Board in an amount not to exceed \$400, while renewal fees are fixed by the statute at \$150.

Statement of Cost Compliance:

1. Impact on state agencies, units of local government, and the public (ORS 183.335(2)(b)(E)).

DOGAMI estimates there are approximately 200 sand, gravel, aggregate, or crushed stone mining operations that would be required to register for the exclusion certificate. Of these, approximately 65 are sites operated by the Oregon Department of Transportation. While there may be other state agencies or local governments that could be affected, the number would be small. The remainder of the 200 sites are likely to be privately owned and operated commercial operations.

DOGAMI also estimates ¹ there are 1,531 metal placer mines that would be required to obtain an exclusion certificate. The overwhelming majority (97%) of these sites are small scale operations

¹ Estimates are based upon the Department of Environmental Quality's WPCF 600 permit holders, of which there are a total of 1,531, and of which 46 (3%) are registered to disturb more than 1,500 cubic yards of material annually.

disturbing less than 1,500 cubic yards annually; they are oftentimes recreational in nature and may be located on both public and private lands. There may be other covered mining operations that involve other types of minerals, or larger metal placer mining operations that are not recreational, but the number is expected to be a very small percentage (approximately 3%) of the total number of known miners.

The cost of preparing an exclusion certificate application and annual report are expected to be minimal.

Under statute and the proposed rule amendments, the type of information required to submit an application or renewal report should be readily available to an operator and DOGAMI does not anticipate significant costs to collect information or prepare the application or report. The proposed rule would include a non refundable \$400 application fee for sand, gravel, aggregate, or crushed stone operations; a non refundable \$400 fee for metal placer mining operations above 1,500 cubic yards, and a non refundable fee of \$150 for placer metal mining operations below 1,500 cubic yards. There is an annual renewal fee of \$150, which all miners will need to pay regardless of the type or size of their mine operation; established by ORS 517.753.

The costs of complying with the new statutory requirements as implemented by the rule amendments are likely to be similar regardless of whether the operator is a state agency, local government, or private entity.

DOGAMI estimates the costs of setting up the exclusion certificate program will include the creation of a new database, reviewing and processing 1,700 applicants; outreach, technical assistance, and monitoring and enforcement. The projected costs would be in the range of \$30,000 to \$50,000. These are only rough estimates of program costs due to uncertainty associated with the actual number of applications DOGAMI may receive.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule.

Of the 1,700 potential entities affected by the rule, described above, the 200 sand, gravel, aggregate, or crushed stone mine operations are likely to state agencies or small businesses. Of the 1,500 metal placer miners, only 46 (3%) are known to be above 1,500 cubic yards annual disturbance and operating on a commercial scale, while the remaining 97% are below 1,500 cubic yards, and likely to be more recreational in nature.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services.

The information required to support the application is basic and it is unlikely operators would require professional services to complete the application. Similarly, annual reporting would require only information on the amount of minerals extracted and acreage of additional areas affected by mining. Mining operators would be expected to have this information or be able

make such determinations without significant expenditures. No additional record keeping is required other than calendaring the annual renewal.

c. Equipment, supplies, labor and administration required for compliance: No special equipment or supplies would be required. The only labor and requirements would be those needed to file the application and annual report, as discussed above.

How were small businesses involved in the development of this rule? Small businesses were not involved in the development of the proposed rule because the underlying requirements are established by the 2015 legislation.

Administrative Rule Advisory Committee was not consulted because the underlying requirements are established by the 2015 legislation.

ORS 517.753 Exclusion certificate required for certain small-scale surface mining operations; application; fees.

(1) Notwithstanding the yard and acre limitations of ORS 517.750 (15), a person must obtain an exclusion certificate from the State Department of Geology and Mineral Industries to engage in surface mining that results in the extraction of 5,000 cubic yards or less of minerals or affects less than one acre of land within a period of 12 consecutive calendar months. Except as provided in ORS 517.755, a mining operation subject to a valid exclusion certificate is not subject to the operating permit or reclamation requirements set forth in ORS 517.702 to 517.989.

(2) A person shall submit an exclusion certificate application on a form provided by the department, accompanied by a fee not to exceed \$400. If the department does not approve or disapprove the application within 90 days after the date the application is filed with the department, the application shall be deemed approved.

(3) Each holder of an exclusion certificate shall annually pay to the department a renewal fee of \$150, accompanied by a description of:

- (a) The amount of minerals extracted pursuant to the certificate during the previous 12 months;
- (b) The total acreage of surface disturbance by the mining operation as of the date that the renewal is submitted; and
- (c) Any additional information required by the department to determine that the mining operation continues to qualify for an exclusion certificate. [2015 c.834 §2]

Note: 517.753 was added to and made a part of 517.702 to 517.989 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

Staff Report and Memorandum

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

From: Richard Riggs, Assistant Director

Date: March 15, 2016

Regarding: Agenda Item 5 – MLRR Legislative Concepts (LCs)

On March 12, the Agency's leadership team met to discuss proposed legislative concepts for the 2017-'19 legislative session. Due to procedural deadlines, the agency was required to submit its two proposed LCs to the governor's office on March 16, 2016. The leadership team recommends the board ratify the agency's two proposed concepts.

Concept #63200/001: Require chemical process miners to post financial surety equivalent to 100% of projected costs, prior to DOGAMI contracting for work related to chemical process mine permitting. This would limit DOGAMI's role and financial exposure as creditor to the miners.

Background: ORS 517.953 allows DOGAMI to recoup costs for outside contractors used during the chemical mine permit process, but operation of current statutes makes DOGAMI act as creditor to the chemical process miner for potentially hundreds of thousands of dollars. As of the date this report was authored, Calico Resources LLC owes the agency \$141,556, of which \$57,011 is more than 30 days past due. This extension of credit has had a significant impact upon MLRR's operating account balance, and led to difficulty for the program to meet regular expenses.

Concept #63200/002: Establish/adjust MLRR fees at a level to grow reserves and cap the operating account reserve at 20% of biennial authorization. Require the board to reduce fees whenever the reserve exceeds 20% of MLRR's authorization for two consecutive biennia.

Background: HB 3563 was supported by the Oregon Concrete and Aggregate Producers Association (OCAPA) and increased fees associated with surface mining for the first time since 2005. The new fee structure became operative in January 2016. MLRR is currently collecting data on revenues and expenditures to determine whether a fee increase will be necessary, and if necessary the size of the potential increase. Due to the long lead time to enact legislation, the leadership team thought it prudent to propose a fee increase as an LC,

and adjust the fees as needed after a better data set related to revenue and expenditures are collected.

Proposed Board Action: The Board ratifies and concurs with the proposed legislative concepts, and recommends the agency report back on its recommendation for a revised MLRR fee structure.

Staff Report and Memorandum

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

From:

Date: April 7, 2016

Regarding: Agenda Item 6 – Public Comment

Attached is a public comment received from Kuper Consulting LLC dated April 6, 2016.

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

April 6, 2016

DOGAMI Governing Board
800 NE Oregon St., Suite 965
Portland, Oregon 97232

SUBJECT: DOGAMI Mineral Land Regulation & Reclamation Program (MLRR) Status

Chair Ms. Phipps and Governing Board Members,

We are certified engineering geologists, licensed in Oregon since 1982, and work with the mining industry in preparing operating and reclamation plans for permitting mine sites. Our work has been reviewed by DOGAMI MLRR since 1990. We have gotten to know the staff that has been there for many years. We are members of the Oregon Concrete and Aggregate Producers Association (OCAPA) and have always gone to bat to support DOGAMI MLRR needs, be it fee increases for the industry, legislative issues and technical standards that govern applications.

We have just learned that MLRR is being reorganized by eliminating the Assistant Director position, in particular Mr. Richard Riggs, as well as perhaps moving the MLRR staff out of their Albany office to the DOGAMI Portland office.

We have extensive knowledge of the MLRR staff, having worked with most of them since the early 1990's. They are very dedicated to MLRR, are problem solvers, and work efficiently with the mining industry.

We are very concerned of the changes that may take place and would like to offer some of the key issues we see regarding what appears to be going on at MLRR.

- The MLRR program is for the most part supported financially by the mining industry, gas and oil industry, as well as storm water permit fees for those industries. DOGAMI has a responsibility to leave those monies intact to be used only for the MLRR program. Please consider the impacts should those monies be used elsewhere.
- They have been understaffed for over a year (One reclamationist left spring 2015, the full time office manager left in 2011, and another reclamationist left March 1 of this year).
- The MLRR staff workload has increased significantly for permit applications since the economy has improved, and they apparently have not been allowed to hire 2 replacements (reclamationist's) or a full time office manager.
- They are way behind on their application reviews. Applications sit on a part time person's desk for months due to the work overload.
- Once applications get off that desk (deemed complete), then they are way behind on internal technical reviews due to work load and lack of technical personnel.
- There are statutory requirements of timelines for issuing permits which they are not able to meet due to lack of staff.

- It is our understanding that the decision to delete Mr. Rigg's position was done in haste – never discussed with MLRR staff as to the consequences of not having an Assistant Director at their office. MLRR staff found out of this decision by way of an inter-agency email, not personal discussions first with MLRR.
- It is our understanding that the Assistant Director (AD) in the Portland (PDX) office who would oversee MLRR is a nurse by training. We respect that technical background, however, there has been no consideration that we are aware of, of the responsibility (and liability?) of an AD of approving and signing mining permits and enforcing potential violations.
- We do not see that there will be a DOGAMI Advocate for MLRR in the future, especially during the legislative sessions.
- In talking with some of the MLRR staff, we sense low morale at MLRR right now. It is our understanding that they have not been consulted in any of the decisions that have been made by the PDX office.
- Should the PDX program decide to move MLRR staff to the PDX office, it would not surprise us that MLRR staff may not be willing to relocate or commute.
- MLRR staff is passionate about their job; several have said to me they “love” their job. They are problem solvers, willing to work with operators should there be any issues on their mine site, and they all have a “can do” attitude.

As consultants to the mining industry, we ask that you review specifically the decisions that have been made and potential impacts to the MLRR staff and program. There are dedicated employees on the MLRR staff (some have been there over 20 years).

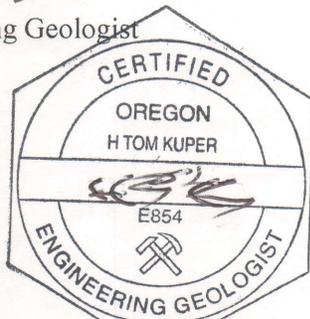
Should MLRR employees leave due to these tentative changes, what proactive response and assurances can you give the public and the mining industry that MLRR will continue to serve their function in a reasonable manner?

We are truly concerned for the MLRR program, as this is one of the very few agencies that have staff that are responsive and dedicated. This synergy has taken years to evolve, please consider our comments and the future of MLRR.

Thank you,
Kuper Consulting LLC

H. Tom Kuper

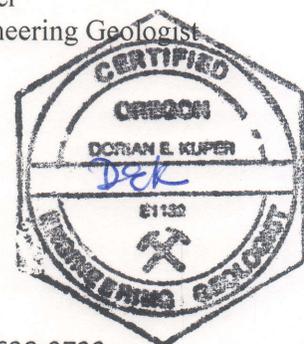
H. Tom Kuper
Certified Engineering Geologist



9/30/16

Dorian E. Kuper

Dorian E. Kuper
Certified Engineering Geologist



7/31/16

Staff Report and Memorandum

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

From: Diane M. Lloyd, Assistant Attorney General

Date: March 31, 2016

Regarding: Agenda Item 7 – Department of Justice (DOJ) Summary relating to SB 379 Tsunami Inundation Line

Attached is a memorandum from Assistant Attorney General, Diane M. Lloyd regarding the statutory authority related to the Tsunami Inundation Zone.

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



DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

MEMORANDUM

DATE: March 30, 2016

TO: Brad Avy, State Geologist
Holly Mercer, Assistant Director
DOGAMI Governing Board

FROM: Diane Lloyd, Assistant Attorney General
Natural Resources Section

SUBJECT: Tsunami Inundation Zone

The following is a summary of law regarding the Tsunami Inundation Zone (TIZ):

There are two applicable statutory provisions:

- **ORS 455.447** was enacted in 1991 and required site specific evaluation for general seismic hazards for various kinds of buildings.
- **ORS 455.446**, the TIZ legislation, was adopted through SB 379 in 1995. It prohibits the construction of certain facilities and structures within the TIZ.

The Board adopted TIZ rules in 1996, at **OAR chapter 632, division 5**.

Steps to creating the zone:

1. DOGAMI staff shall establish the parameters of the area of expected tsunami inundation based on scientific evidence.¹
2. Scientific evidence may include:
 - a. Geologic field data
 - b. Tsunami modeling²
3. The rules provide additional guidance regarding the zone:
 - a. In implementing these statutory provisions decisions of the board may be based upon a tsunami produced by a Cascadia subduction zone earthquake event of reasonable size, using current earthquake science, geologic science and modeling techniques.³

¹ ORS 455.446(b).

² ORS 455.446(b).

³ OAR 632-005-0030(1)

- b. The board and department shall be guided by the principle of best available science.⁴
4. The DOGAMI governing board establishes the Tsunami Inundation Zone by rule.⁵
5. The board *shall* adopt the zone as determined by the department but exceptions can be granted by the board.⁶
6. Modifications to the zone must be by rule.⁷
7. The rules also state that the board will consider revisions to the zone based upon scientific evidence supplied by the public and interested governmental entities.⁸

Exception Process:

1. To grant an exception the board must hold a public hearing.⁹
2. In the public hearing the applicant must “demonstrate that the safety of building occupants will be ensured to the maximum reasonable extent” by showing how they are meeting four factors which are further defined in rule:
 - a. By addressing the relative risks within the zone
 - i. “Risk” means the threat to people posed by a tsunami hazard for the proposed use of a site.
 - b. By balancing competing interests and other considerations
 - i. "Competing interests and other considerations" means any well-founded consideration that is reasonably related to balancing or management of tsunami risks. It includes, but is not limited to, scientific data regarding tsunami risks and mitigation measures such as evacuation strategies.
 - c. By considering mitigative construction strategies
 - i. "Mitigative construction strategy" means a design plan that reasonably provides for evacuation to higher floors or unhindered site evacuation with a reasonable expectation of safety in the event of a tsunami.
 - d. By considering mitigative terrain modification¹⁰
 - i. "Mitigative terrain modification" means landscaping that can reasonably be expected to mitigate tsunami risk for the site in question. It may include, but is not limited to, placement of fill on the site, berms or other protective features around the site, or ground armoring to limit tsunami erosion beneath or around facilities or structures. In this context, ground armoring does not necessarily include sea wall construction.¹¹
 - e. The applicant for the exception must pay the cost of review.¹²
3. Rules describe the procedure for exceptions:¹³

⁴ OAR 632-005-0030(2).

⁵ ORS 455.446(c).

⁶ ORS 455.446(c).

⁷ OAR 632-005-0040(2).

⁸ OAR 632-005-0040(2).

⁹ ORS 455.446(d).

¹⁰ ORS 455.446(d).

¹¹ OAR 632-005-0020, Definitions.

¹² ORS 455.445(g)

¹³ OAR 632-005-0080

- a. Application must be in writing and include information required by rule.
- b. The board or its delegate decides if the application is complete or needs more information.
- c. The board or its delegate holds a hearing.
- d. The board must grant or deny the exception within 60 days unless the developer agrees to an exception.
- e. The exception may be subject to conditions.
- f. A board order under this process can be appealed to circuit court.

Staff Report and Memorandum

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

From: Ali Ryan Hansen, Communications Director

Date: March 31, 2016

Regarding: Agenda Item 8 – Community Engagement Strategy

A handout will be providing during the meeting.

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: Kim Riddell, Chief Financial Officer

Date: March 31, 2016

Regarding: Agenda Item 9 – Financial Report

Attached is the DOGAMI Budget Status Report, as of February 29, 2016 for both 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.

Department of Geology & Mineral Industries
Budget Status Report: As of February 29,2016

% of Biennium Remaining: 67%

Geological Survey & Services (GS&S) Program

Budget Category / Line Item	2015-17 Budget by Funding Source				2015-17 Revenue & Expenditures				Remaining Budget			
	General Funds	Other Funds	Federal Funds	All Funds	General Funds	Other Funds	Federal Funds	All Funds	GF	OF	FF	All Funds
Revenue												
Beginning Balance	-	1,194,513	-	1,194,513	-	1,194,513	-	1,194,513				
2015-17 Revenue	4,138,836	4,273,213	5,806,423	14,218,472	1,866,632	1,174,001	1,713,523	4,754,156				
Total Available Revenue	4,138,836	5,467,726	5,806,423	15,412,985	1,866,632	2,368,514	1,713,523	5,948,669	55%	57%	70%	61%
Expenditures:												
<i>Personnel Services</i>	2,672,272	947,334	2,261,581	5,881,187	1,120,824	182,927	448,134	1,751,885	58%	81%	80%	70%
<i>Services & Supplies</i>												
Instate Travel	11,921	69,486	150,519	231,926	26,615	1,882	7,787	36,284				
Out of State Travel	7,177	22,405	6,294	35,876	14,276	-	701	14,977				
Employee Training	2,569	9,933	7,956	20,458	1,801	-	455	2,256				
Office Expenses	13,034	30,903	1,419	45,356	19,658	1,005	56	20,719				
Telecomm	5,728	218	9,395	15,341	10,582	-	-	10,582				
State Gov't Svc Chg	255,945	281,976	24,406	562,327	129,479	-	-	129,479				
Data Processing	10,746	-	6,841	17,587	2,434	-	-	2,434				
Publicity & Publications	-	3,154	57,231	60,385	9,623	-	-	9,623				
Professional Services	776,280	1,558,824	2,666,630	5,001,734	164,755	440,075	1,527,931	2,132,761				
IT Professional Services	-	-	-	-	8,240	-	-	8,240				
Employee Recruitment	268	1,309	-	1,577	-	-	-	-				
Dues & Subscriptions	1,430	795	2,109	4,334	1,428	-	-	1,428				
Facilities Rent	215,465	167,133	51,767	434,365	107,427	-	-	107,427				
Fuels & Utilities	-	-	-	-	706	-	-	706				
Facilities Maintenance	-	-	-	-	-	-	-	-				
Agency Related S & S	-	-	-	-	573	-	210	783				
Intra agency Charges	-	-	-	-	-	-	-	-				
Other Services & Supplies	154,220	413,821	54,424	622,465	125,476	689	479	126,644				
Attorney General	4,640	(655)	-	3,985	12,110	-	-	12,110				
Undistributed (S&S)	-	-	-	-	-	-	-	-				
Data Processing Hardware	-	-	-	-	6,948	-	-	6,948				
Expendable Prop (\$250-\$500)	7,141	18,489	27,341	52,971	5,086	-	-	5,086				
IT Expendable Property	-	-	28,622	28,622	42,575	10	-	42,585				
Technical Equipment	-	-	-	-	56,016	-	-	56,016				
<i>Total Services & Supplies</i>	1,466,564	2,577,791	3,094,954	7,139,309	745,808	443,661	1,537,619	2,727,088	49%	83%	50%	62%
Total Expenditures	4,138,836	3,525,125	5,356,535	13,020,496	1,866,632	626,588	1,985,753	4,478,973	55%	82%	63%	66%
GS&S Ending Balance	\$ -	\$ 1,942,601	\$ 449,888	\$ 2,392,489	\$ -	\$ 1,741,926	\$ (272,230)	\$ 1,469,696				

* There is currently \$185,989 in Unlimited Fund. This is 100% Strong Motion Instrument Funding.

Mineral Land Regulation & Reclamation (MLRR) Program

Budget Category / Line Item	2015-17 Budget by Funding Source				2015-17 Revenue & Expenditures				Remaining Budget			
	General Funds	Other Funds	Federal Funds	All Funds	General Funds	Other Funds	Federal Funds	All Funds	GF	OF	FF	All Funds
Revenue												
Beginning Balance	-	152,600	-	152,600	-	152,600	-	152,600				
2015-17 Revenue	-	2,979,703	-	2,979,703	-	791,506	-	791,506				
Total Available Revenue	-	3,132,303	-	3,132,303	-	944,106	-	944,106	70%			70%
Expenditures:												
<i>Personnel Services</i>	-	2,125,132	-	2,125,132	-	670,157	-	670,157	68%			68%
<i>Services & Supplies</i>												
Instate Travel	-	65,864	-	65,864	-	18,246	-	18,246				
Out of State Travel	-	-	-	-	-	488	-	488				
Employee Training	-	-	-	-	-	-	-	-				
Office Expenses	-	29,067	-	29,067	-	11,102	-	11,102				
Telecomm	-	44,161	-	44,161	-	7,313	-	7,313				
State Gov't Svc Chg	-	-	-	-	-	-	-	-				
Data Processing	-	-	-	-	-	-	-	-				
Publicity & Publications	-	3,281	-	3,281	-	7,901	-	7,901				
Professional Services	-	91,305	-	91,305	-	73,240	-	73,240				
IT Professional Services	-	-	-	-	-	1,440	-	1,440				
Attorney General	-	51,373	-	51,373	-	11,795	-	11,795				
Employee Recruitment	-	-	-	-	-	-	-	-				
Dues & Subscriptions	-	561	-	561	-	100	-	100				
Facilities Rent	-	71,844	-	71,844	-	26,832	-	26,832				
Fuels & Utilities	-	10,629	-	10,629	-	3,982	-	3,982				
Facilities Maintenance	-	10,595	-	10,595	-	1,762	-	1,762				
Agency Related S & S	-	-	-	-	-	-	-	-				
Intra agency Charges	-	-	-	-	-	-	-	-				
Other Services & Supplies	-	32,672	-	32,672	-	1,119	-	1,119				
Undistributed (S&S)	-	-	-	-	-	-	-	-				
Expendable Prop (\$250-\$500)	-	4,486	-	4,486	-	-	-	-				
IT Expendable Property	-	26,115	-	26,115	-	3,083	-	3,083				
<i>Total Services & Supplies</i>	-	441,953	-	441,953	-	168,403	-	168,403	62%			62%
Total Expenditures	-	2,567,085	-	2,567,085	-	838,560	-	838,560	67%			67%
MLRR Ending Balance	\$ -	\$ 565,218	\$ -	\$ 565,218	\$ -	\$ 105,546	\$ -	\$ 105,546				

Department of Geology & Mineral Industries
Budget Status Report: As of February 29, 2016

% of Biennium Spent 33%	of Biennium Remaining 67%
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Geological Survey & Services (GS&S) Program

Budget Category / Line Item	2015-17 Budget by Funding Source				2015-17 Revenue & Expenditures				Spent Budget				Remaining Budget			
	General	Other	Federal	All	General	Other	Federal	All	All		All		All			
	Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds	GF	OF	FF	Funds	GF	OF	FF	Funds
Revenue																
Beginning Balance	-	1,194,513	-	1,194,513	-	1,194,513	-	1,194,513								
2015-17 Revenue	4,138,836	4,273,213	5,806,423	14,218,472	1,866,632	1,174,001	1,713,523	4,754,156								
Total Available Revenue	4,138,836	5,467,726	5,806,423	15,412,985	1,866,632	2,368,514	1,713,523	5,948,669	45%	43%	30%	39%	55%	57%	70%	61%
Expenditures:																
<i>Personnel Services</i>	2,672,272	947,334	2,261,581	5,881,187	1,120,824	182,927	448,134	1,751,885	42%	19%	20%	30%	58%	81%	80%	70%
<i>Services & Supplies</i>																
Instate Travel	11,921	69,486	150,519	231,926	26,615	1,882	7,787	36,284								
Out of State Travel	7,177	22,405	6,294	35,876	14,276	-	701	14,977								
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Telecomm	5,728	218	9,395	15,341	10,582	-	-	10,582								
State Gov't Svc Chg	255,945	281,976	24,406	562,327	129,479	-	-	129,479								
Data Processing	10,746	-	6,841	17,587	2,434	-	-	2,434								
Publicity & Publications	-	3,154	57,231	60,385	9,623	-	-	9,623								
Professional Services	776,280	1,558,824	2,666,630	5,001,734	164,755	440,075	1,527,931	2,132,761								
IT Professional Services	-	-	-	-	8,240	-	-	8,240								
Employee Recruitment	268	1,309	-	1,577	-	-	-	-								
Dues & Subscriptions	1,430	795	2,109	4,334	1,428	-	-	1,428								
Facilities Rent	215,465	167,133	51,767	434,365	107,427	-	-	107,427								
Fuels & Utilities	-	-	-	-	706	-	-	706								
Facilities Maintenance	-	-	-	-	-	-	-	-								
Agency Related S & S	-	-	-	-	573	-	210	783								
Intra agency Charges	-	-	-	-	-	-	-	-								
Other Services & Supplies	154,220	413,821	54,424	622,465	125,476	689	479	126,644								
Attorney General	4,640	(655)	-	3,985	12,110	-	-	12,110								
Undistributed (S&S)	-	-	-	-	-	-	-	-								
Data Processing Hardware	-	-	-	-	6,948	-	-	6,948								
Expendable Prop (\$250-\$500)	7,141	18,489	27,341	52,971	5,086	-	-	5,086								
IT Expendable Property	-	-	28,622	28,622	42,575	10	-	42,585								
Technical Equipment	-	-	-	-	56,016	-	-	56,016								
<i>Total Services & Supplies</i>	1,466,564	2,577,791	3,094,954	7,139,309	745,808	443,661	1,537,619	2,727,088	51%	17%	50%	38%	49%	83%	50%	62%
Total Expenditures	4,138,836	3,525,125	5,356,535	13,020,496	1,866,632	626,588	1,985,753	4,478,973	45%	18%	37%	34%	55%	82%	63%	66%
GS&S Ending Balance	\$ -	\$ 1,942,601	\$ 449,888	\$ 2,392,489	\$ -	\$ 1,741,926	\$ (272,230)	\$ 1,469,696								
* There is currently \$185,989 in Unlimited Fund. This is 100% Strong Motion Instrument Funding.																
Est. Unallocated Indirect	-	-	-	-	(593,001)	142,235	450,766	-	31%	22%	45%	34%	69%	78%	55%	66%

Mineral Land Regulation & Reclamation (MLRR) Program

Budget Category / Line Item	2015-17 Budget by Funding Source				2015-17 Revenue & Expenditures				Spent Budget				Remaining Budget			
	General	Other	Federal	All	General	Other	Federal	All	All		All		All			
	Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds	GF	OF	FF	Funds	GF	OF	FF	Funds
Revenue																
Beginning Balance	-	152,600	-	152,600	-	152,600	-	152,600								
2015-17 Revenue	-	2,979,703	-	2,979,703	-	791,506	-	791,506								
Total Available Revenue	-	3,132,303	-	3,132,303	-	944,106	-	944,106	30%			30%	70%			70%
Expenditures:																
<i>Personnel Services</i>	-	2,125,132	-	2,125,132	-	670,157	-	670,157	32%			32%	68%			68%
<i>Services & Supplies</i>																
Instate Travel	-	65,864	-	65,864	-	18,246	-	18,246								
Out of State Travel	-	-	-	-	-	488	-	488								
Employee Training	-	-	-	-	-	-	-	-								
Office Expenses	-	29,067	-	29,067	-	11,102	-	11,102								
Telecomm	-	44,161	-	44,161	-	7,313	-	7,313								
State Gov't Svc Chg	-	-	-	-	-	-	-	-								
Data Processing	-	-	-	-	-	-	-	-								
Publicity & Publications	-	3,281	-	3,281	-	7,901	-	7,901								
Professional Services	-	91,305	-	91,305	-	73,240	-	73,240								
IT Professional Services	-	-	-	-	-	1,440	-	1,440								
Attorney General	-	51,373	-	51,373	-	11,795	-	11,795								
Employee Recruitment	-	-	-	-	-	-	-	-								
Dues & Subscriptions	-	561	-	561	-	100	-	100								
Facilities Rent	-	71,844	-	71,844	-	26,832	-	26,832								
Fuels & Utilities	-	10,629	-	10,629	-	3,982	-	3,982								
Facilities Maintenance	-	10,595	-	10,595	-	1,762	-	1,762								
Agency Related S & S	-	-	-	-	-	-	-	-								
Intra agency Charges	-	-	-	-	-	-	-	-								
Other Services & Supplies	-	32,672	-	32,672	-	1,119	-	1,119								
Undistributed (S&S)	-	-	-	-	-	-	-	-								
Expendable Prop (\$250-\$500)	-	4,486	-	4,486	-	-	-	-								
IT Expendable Property	-	26,115	-	26,115	-	3,083	-	3,083								
<i>Total Services & Supplies</i>	-	441,953	-	441,953	-	168,403	-	168,403	38%			38%	62%			62%
Total Expenditures	-	2,567,085	-	2,567,085	-	838,560	-	838,560	33%			33%	67%			67%
MLRR Ending Balance	\$ -	\$ 565,218	\$ -	\$ 565,218	\$ -	\$ 105,546	\$ -	\$ 105,546								
Uncharged Indirect	-	-	-	-	50,000	-	-	50,000								
MLRR Ending Balance	-	-	-	-	-	55,546	-	55,546								

Staff Report and Memorandum

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

From: Brad Avy, Director & State Geologist

Date: March 31, 2016

Regarding: Agenda Item 10 – Director’s Report

Director Brad Avy will deliver his report to the Board.

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: Ian Madin, Chief Scientist and Holly Mercer, Assistant Director

Date: March 30, 2016

Regarding: Agenda Item 11 Key Performance Measures (KPM) Development

Attached are the 2014-2015 Updated Annual Progress Performance Report and Summary; draft proposed revisions/deletions to current KPMs; and draft proposed new KPMs. The Board and staff will review and discuss current and proposed KPMs.

Proposed Board Action: The Board approves the proposed revisions and deletions to current Key Performance Measures and further approves the proposed Key Performance Measures to be submitted in the Agency Request Budget 2017-2019.

GEOLOGY & MINERAL INDUSTRIES, DEPARTMENT of
Annual Performance Progress Report (APPR) for Fiscal Year (2014-2015)

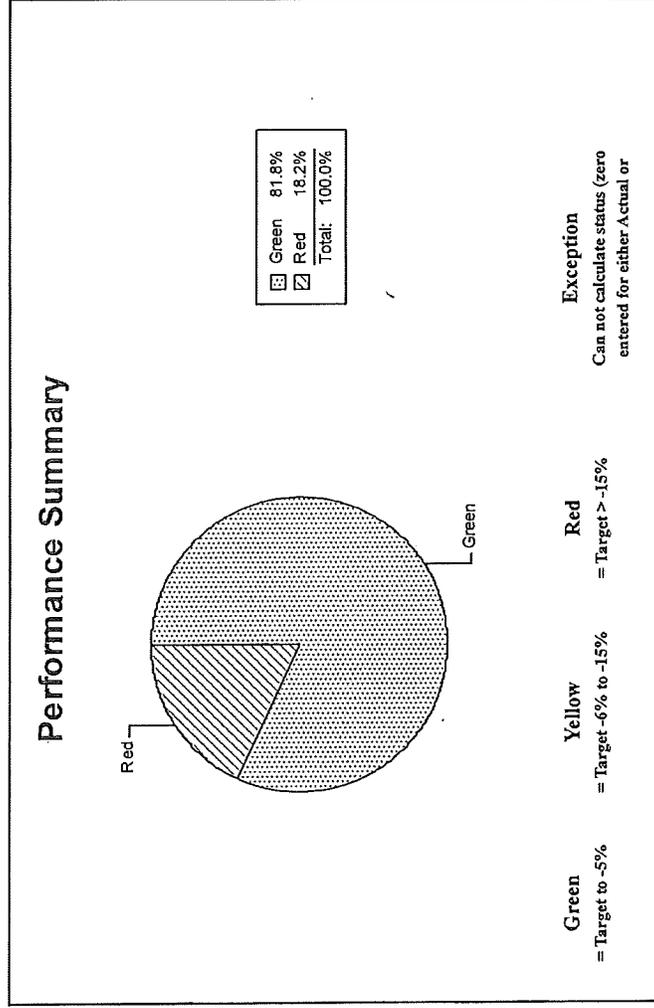
Original Submission Date: 2015

Finalize Date:

2014-2015 KPM #	2014-2015 Approved Key Performance Measures (KPMs)
1	EARTHQUAKE AND LANDSLIDE MAP COMPLETION - Percent of communities and other stakeholders with hazard maps and risk studies for earthquake and landslide hazards.
2	TSUNAMI EVACUATION MAP COMPLETION - Percent target communities with official, reviewed evacuation map brochures produced by DOGAMI.
3	COASTAL EROSION MAP COMPLETION - Percent target communities with standardized, 4-risk zone erosion hazard maps.
5	RECLAMATION - Total number of mining acres that have been reclaimed and returned to secondary beneficial use.
6	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.
7	REGIONAL GEOLOGIC MAP COMPLETION - Percent of Oregon where geologic data in the form of medium resolution maps have been completed to be used for regional problem solving.
8	MINE SITES INSPECTED ANNUALLY - Percent of mine operators with active sites inspected annually.
9	TSUNAMI INUNDATION MAP COMPLETION - Percent of coastal communities provided with detailed tsunami inundation maps for local emergency planning.
10	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.
11	GOVERNANCE - Percent of yes responses by Governing Board members to the set of best practices.
12	Geologic Hazard Preparedness, % of Oregon communities with geologic hazard data and prevention activities in place.

New Delete	Proposed Key Performance Measures (KPM's) for Biennium 2015-2017
<p data-bbox="316 1753 341 1806">Title:</p> <p data-bbox="373 1711 397 1806">Rationale:</p>	

GEOLOGY & MINERAL INDUSTRIES, DEPARTMENT of	I. EXECUTIVE SUMMARY
Agency Mission: Provide earth science information and regulation to make Oregon safe and prosperous.	
Contact: Holly Mercer, Assistant Director	Contact Phone: 971-673-1548
Alternate:	Alternate Phone:



1. SCOPE OF REPORT

For the Geological Survey and Services program area, KPM 1, 2, 3, 6, 7, 9, 10 and 12, measures progress. Due to the diversity of geologic, geomorphologic, natural hazard, natural resource assessment and risk analysis work the Department performs, not all of its activities are captured by the KPMs. KPM 12 was designed to capture most of our hazards work in one comprehensive measure. For the Mined Land Regulation and Reclamation program, its activity and progress is partially measured by KPM 5, 8 and 10. The Agency's Governing Board performance is measured by KPM 11 (Governance). KPM 5, 8 and 10 measure the Mined Land Regulation and Reclamation program area.

2. THE OREGON CONTEXT

The Agency provides natural hazard and natural resource assessment and risk analysis services extensively for federal agencies, state agencies, counties and cities. KPM 1, 2, 3, 8 and 9 link to Benchmark 67a (Emergency Preparedness – Geologic Hazards). KPM 12 is a “next generation BM 67a”.

3. PERFORMANCE SUMMARY

The Department continues to make progress towards its goals. With the completion of the tsunami inundation maps and tsunami evacuation brochures for key communities, a major milestone was accomplished. Progress is being made on most other areas. Landslide mapping is progressing slowly since most mapping is done post disaster when funds are available. KPM 2 and 9 are at 100%. No progress is being made for KPM 3, coastal erosion mapping, because a lack of funding has limited new work. No progress was made on KPM 7, regional geologic mapping, but it is nearly complete. Insufficient data were collected to report on KPM 10, Customer Satisfaction.

4. CHALLENGES

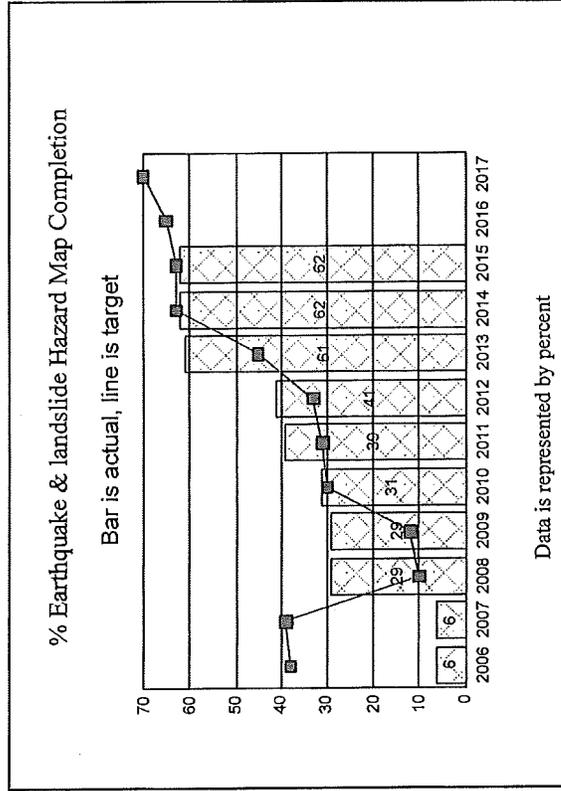
The Department receives approximately 40% of its funding from federal agencies. As a result, the federal sequester and the ending of specific programs (NOAA tsunami mapping) has made predicting federal funds for projects difficult. Some of our program areas, such as coastal erosion and landslide mapping, do not have an ongoing source of funds, which limits the Department's ability to provide services in these areas. The Department's General Fund revenue has not kept up with inflation or communities' needs, resulting in the Department seeking and becoming more dependent on outside sources of funds.

KPM 2 and 9 have reached the targeted 100% coverage, and need to be replaced or updated. The Agency is currently developing a new 6-year strategic plan, which will be used to develop new targets or measures.

5. RESOURCES AND EFFICIENCY

The Department has become more efficient in performing its work over time. The addition of lidar as a base for geologic mapping was a big driver for efficiency. For example, before we had lidar base maps, the Department was mapping 1-2 quadrangles per year. Now we typically map 8 quadrangles per year with the same resources, and with greater accuracy and resolution. Prior to lidar, one watershed had only eight landslides mapped using traditional methods. After mapping using lidar, over 1,300 landslides were identified. The Department continues to evaluate new technologies or new uses for old ones that allow us to collect more and better data using existing resources. Due to this effort, the Department is a leader in geologic studies, which results in funding opportunities from our federal, state, and local partners.

GEOLOGY & MINERAL INDUSTRIES, DEPARTMENT of		II. KEY MEASURE ANALYSIS
KPM #1	EARTHQUAKE AND LANDSLIDE MAP COMPLETION - Percent of communities and other stakeholders with hazard maps and risk studies for earthquake and landslide hazards.	2005
Goal	Reduce the loss of life and property by understanding and mitigating geologic hazards.	
Oregon Context	OBM 67a: Community Preparedness For Natural Hazards.	
Data Source	Department records.	
Owner	Geologic Survey and Services Section; contact: Holly Mercer, Assistant Director, 971-673-1548	



1. OUR STRATEGY

Provide earthquake-related & landslide hazard maps for populated areas and key infrastructure areas of Oregon; reduce risk to loss of life and property. We partner with USGS, FEMA, OEM and numerous Oregon counties and cities.

2. ABOUT THE TARGETS

The targeted area of Oregon constitutes 17,610 square miles (areas labeled “Nominal Inhabited Area” on the maps on page 5) of populated area. In 2012-2103 we exceeded the target, and for this year we have reset the target to reflect the 2012-2013 status with an annual increment of 2%.

3. HOW WE ARE DOING

In FY 2013, the Department produced low-resolution (2D) earthquake-induced landslide, ground motion amplification and liquefaction hazard maps covering the entire state. This part of the KPM metric is now at 100%, and new metrics will be considered as part of the ongoing Department strategic plan rewrite. Through FY 2014, the Department has produced new lidar-based landslide inventory and hazard maps for 5,542 square miles including 4,090 square miles of inhabited area (23%). The combined degree of map completion is thereby 62%, slightly short of the target. In FY 2015, the Department completed 30 square miles of landslide studies for a total of 4,120 square miles, resulting in an incremental increase without changing the overall percentage.

4. HOW WE COMPARE

No comparable data for similar jurisdictions available at this time.

5. FACTORS AFFECTING RESULTS

In FY 2014, the only funding that the Department had for earthquake or landslide hazard mapping came from Other Funds or Federal Funds contracts. Without General Fund to support these efforts, future progress will be entirely dependent on the availability of outside contract funds. The current success of the landslide mapping program is entirely dependent on the availability of lidar data. Since 2008, the Department has utilized \$2 million in Measure 66 Lottery Fund seed capital to leverage an additional \$15 million in federal and other funds to acquire 32,243 square miles of high-resolution lidar elevation data (see map on page 6) which is 33% of Oregon. This area covers 12,809 square miles, or 72%, of the populated target area of Oregon, and is the foundation for our new generation of hazard maps now in production at the Department. The detail and multi-purpose reach of this data is revolutionary towards resource management everywhere and hazard mitigation in the built environment, especially towards earthquake, landslide, flooding, channel migration, coastal erosion and volcanic hazard assessment, risk analysis and at-risk communities outreach. Lidar data is required to support Department KPMs 1,2,3,6,7,9 and 12.

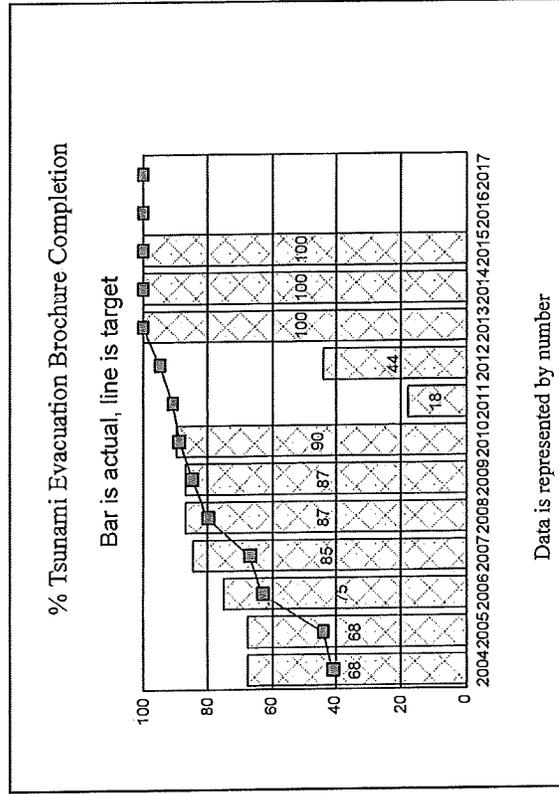
6. WHAT NEEDS TO BE DONE

The Department continues to initiate landslide hazard assessment funding partnerships with federal and state agencies and with various cities and counties. However, most of this work is in response to disasters. Oregon needs a strategy to address these hazards pre-disaster to ensure that its citizens and property are protected. New lidar-derived landslide inventory maps can be previewed at <http://www.oregongeology.org/publications/IMS/ims.htm>.

7. ABOUT THE DATA

The target area matches the methodology utilized and more fully described in KPM 6. The actual score reported for KPM 1 is the simple average of the two sub-measures.

GEOLOGY & MINERAL INDUSTRIES, DEPARTMENT of		II. KEY MEASURE ANALYSIS
KPM #2	TSUNAMI EVACUATION MAP COMPLETION - Percent target communities with official, reviewed evacuation map brochures produced by DOGAMI.	2005
Goal	Reduce the loss of life and property by understanding and mitigating geologic hazards.	
Oregon Context	OBM 67a: Community Preparedness For Natural Hazards.	
Data Source	Department records.	
Owner	Geologic Survey and Services Section; contact: Holly Mercer, Assistant Director, 971.673.1548	



1. OUR STRATEGY

Reduce the loss of life of Oregonians and visitors to the Oregon Coast by mapping tsunami hazards; educating coastal residents and visitors, local city officials, county emergency managers and other state and federal agencies about tsunami hazards; and by providing materials and signs for those exposed and vulnerable to the risk so they can save

themselves in when a disaster occurs.

2. ABOUT THE TARGETS

This measure targets 45 at-risk communities along the Coast (see map below). In addition, there are numerous State Parks and other facilities at risk along the coast. The complimentary performance measure (KPM 9: Tsunami Inundation Map completion) measures the relative proportion of the total coast mapped while this measure refers to specific communities.

3. HOW WE ARE DOING

In 2010, DOGAMI commenced a program to re-map tsunami inundation zones for several different tsunami scenarios along the entire Oregon Coast. This work incorporated the recent technical findings from the Sumatra, Chile and Japan earthquakes and resultant tsunamis. As part of this initiative, funded by NOAA National Tsunami Hazard Mitigation Program, the Department developed a new Tsunami Evacuation Brochure that shows both the worst case local (Cascadia Subduction Zone) and worst case distant (new Alaska) tsunami. At the end of FY 2013, the Department completed evacuation maps for all at-risk communities.

4. HOW WE COMPARE

There are 30 Washington State communities at risk, most clustered at the southern end of the state along a length of coast about one-third as long of that at risk in Oregon. Washington State has produced similar evacuation brochures for 27 communities, however these do not provide recommended evacuation routes to safety.

5. FACTORS AFFECTING RESULTS

The Task is complete.

6. WHAT NEEDS TO BE DONE

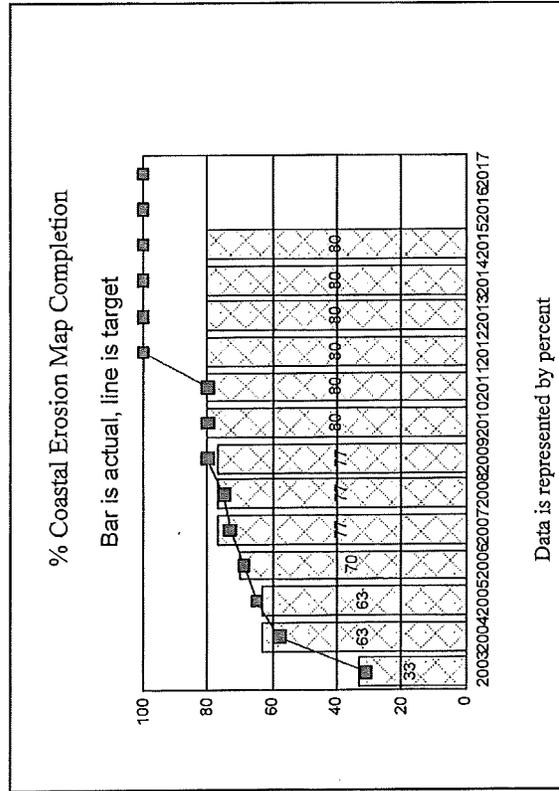
The Agency completed the re-assessment of tsunami inundation along the entire Oregon coast using new lidar-derived detailed topography which significantly improved true elevation accuracy.

7. ABOUT THE DATA

The data are for the Oregon fiscal year 2014. Tsunami evacuation brochures are available at

<http://www.oregongeology.org/tsuclearinghouse/pubs-evacbro.htm>.

GEOLOGY & MINERAL INDUSTRIES, DEPARTMENT of		II. KEY MEASURE ANALYSIS
KPM #3	COASTAL EROSION MAP COMPLETION - Percent target communities with standardized, 4-risk zone erosion hazard maps.	2005
Goal	Reduce the loss of life and property by understanding and mitigating geologic hazards.	
Oregon Context	OBM 67a: Community Preparedness For Natural Hazards.	
Data Source	Department records.	
Owner	Geologic Survey and Services Section; contact: Holly Mercer, Assistant Director, 971.673.1548	



1. OUR STRATEGY

Reduce the risk of losses to property and infrastructure by identifying minimum and maximum potential coastal change erosion distances for bluff- and dune-backed shorelines over the next 60-100 years; for use by land use planners. DLCD and coastal counties and communities are active partners.

2. ABOUT THE TARGETS

Thirty selected communities represent the coastline of interest and are at risk.

3. HOW WE ARE DOING

Four-zone erosion maps (“Active, High, Moderate, and Low Hazard Zones”) have been completed for 24 of 30 communities. Extensive supportive work is in progress focused on coastal change on the northern Oregon coast, including ongoing monitoring of beach erosion and collaborative research with OSU to develop new erosion models that account for climate change. See a portion of this work assessing estuaries and shores at <http://www.oregongeology.org/sub/nanoos1/index.htm>. In FY 2014 the Department revised the coastal erosion maps for Tillamook County to reflect the impact of long-term sea level rise and abrupt sea level rise associated with a future Cascadia Subduction Zone earthquake. Because this area had already been mapped, the effort did not change the completion metric.

4. HOW WE COMPARE

A direct comparable has not been located. Various jurisdictions, including the State of Hawaii, have active coastal erosion studies incorporated as part of their coastal zone management programs.

5. FACTORS AFFECTING RESULTS

With no General Fund support for this effort, erosion hazard studies are only carried out where outside source of funding area available. Hazard assessment efforts have focused on the northern half of Oregon where beaches are more prevalent, exposed, populated and there is greater risk due to rising sea levels exceeding plate tectonic uplift. The reverse is generally true for southern Oregon. The overall coastal erosion hazard in Lane, Douglas, Coos, and Curry counties is relatively low. Therefore, funding source priorities have followed areas of higher erosion risk.

6. WHAT NEEDS TO BE DONE

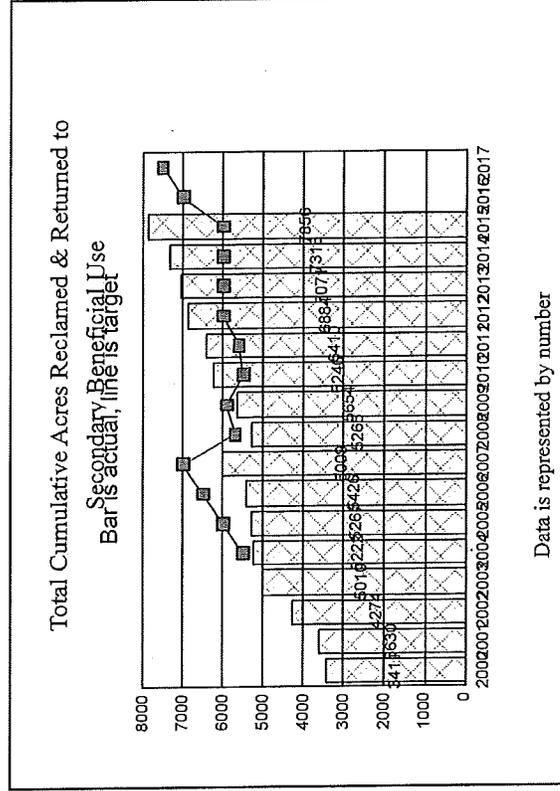
Partnerships with state and local authorities are necessary to advance this work for the communities located in Curry, Coos, Douglas and Lane counties. The Department recommends conducting detailed coastal erosion studies on a case-by-case basis within these counties.

7. ABOUT THE DATA

GEOLOGY & MINERAL INDUSTRIES, DEPARTMENT of	II. KEY MEASURE ANALYSIS
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Information concerning ongoing hazard mitigation activities along the coast can be found at <http://www.oregongeology.org/sub/earthquakes/Coastal/HazardsMain.htm>.

GEOLOGY & MINERAL INDUSTRIES, DEPARTMENT of		II. KEY MEASURE ANALYSIS
KPM #5	RECLAMATION - Total number of mining acres that have been reclaimed and returned to secondary beneficial use.	2005
Goal	Recognize the important and essential contribution that the extraction of minerals makes to the economic well being of the state and the nation and to prevent unacceptable adverse impacts to environmental, scenic, recreational, social, archaeological and historic resources of the state that may result from mining operations.	
Oregon Context	Rural Economic Development and Sustainability of State Resources.	
Data Source	Department records.	
Owner	Mined Land Regulation and Reclamation Program; contact: Richard Riggs, Assistant Director, 541.497.4838	



1. OUR STRATEGY

Administer reclamation plans of operating permit holders to minimize disturbance and efficiently return the land of closed sites to secondary beneficial use. The MLRR Awards

program is found at: <http://www.oregongeology.org/mlir/awards.htm>.

2. ABOUT THE TARGETS

A review of legacy data resulted in these modified targets. The actual performance in any one year is not within agency influence since the operator makes the decision as to when to close a site.

3. HOW WE ARE DOING

During FY 2015, 293.7 acres of disturbed land at 14 closed sites were reclaimed to secondary use. The trend is ahead of target. Of 7855.62 acres reclaimed to date, the leading secondary beneficialuse categories are open space and range (19%), agriculture (16%), wildlife/welands (11%), forestry (8%), and housing (7%).

4. HOW WE COMPARE

Comparison data from a similar jurisdiction is not available.

5. FACTORS AFFECTING RESULTS

The timing, pace and location of site closure, and subsequent reclamation, is independent of agency activity.

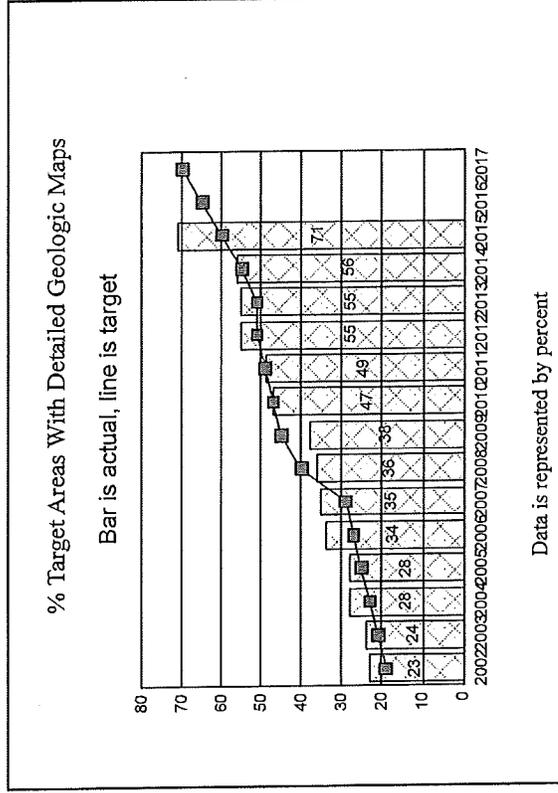
6. WHAT NEEDS TO BE DONE

Continuous improvements are being made to the program, including accuracy of data tracking methods and development of a geospatial database of reclaimed acres/secondary use.

7. ABOUT THE DATA

As of June 30, 2015 there are 891 active site permits for a total of 100% for the biennium. As of June 30, 2015, there were 478 unique permit holders with active, amended, or new permits.

GEOLOGY & MINERAL INDUSTRIES, DEPARTMENT of		II. KEY MEASURE ANALYSIS
KPM #6	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.	2005
Goal	Initiate and conduct studies and surveys of the geological and mineral resources of the state and their commercial utility and identify and map geologic hazards and estimation of their potential consequences and likelihood of occurrence.	
Oregon Context	Rural Economic Development and Sustainability of State Resources.	
Data Source	Department records.	
Owner	Geologic Survey and Services Section; contact: Holly Mercer, Assistant Director, 971.673.1548	



1. OUR STRATEGY

Collect geologic data using a map scale of 1:24,000 in targeted high priority areas in Oregon to support natural resource and natural hazard assessment. The

USGS is a key funding client.

2. ABOUT THE TARGETS

Target areas are defined by the Nominal Inhabited Area (NIA) of the state, which was developed using census data and water well density. The total targeted inhabited area is 17,610 square miles.

3. HOW WE ARE DOING

During FY 2015, the total area covered by published maps is 549.95 sq. miles of which 441 sq. miles cover the Nominal Inhabited Area (NIA) of the state. That brings the total square miles of inhabited area covered by detailed mapping to 12,590 or 71%. The measure continues to be ahead of the target.

4. HOW WE COMPARE

Washington State does not currently have this scale of map available online. Nevada has PDF of 1:24,000 scale maps at <http://www.nbrmg.unr.edu/dox/dox.htm#3>. Idaho has 1:24,000 maps at <http://www.idahogeology.org/Products/>. California has 1:24,000 maps at http://www.consrv.ca.gov/cgs/rghm/rghm/preliminary_geologic_maps.htm.

5. FACTORS AFFECTING RESULTS

Continued funding partnerships with USGS and OWRD are essential to the successful performance of this measure.

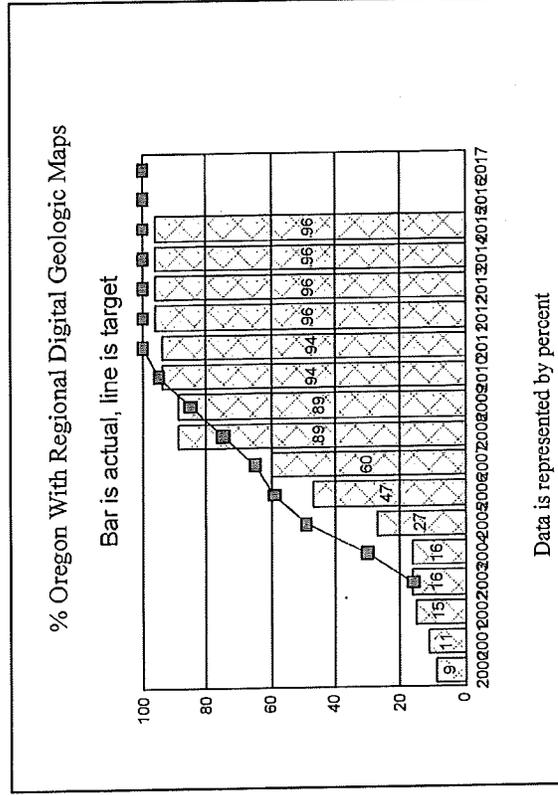
6. WHAT NEEDS TO BE DONE

The Agency is collecting lidar topographic data in targeted areas. This data will significantly improve the positioning of rock formation outcrops, rock formation contacts, fault scarps, landslides and other key morphologic features, and thereby will improve the natural resource and hazard assessments drawn from the data. The Agency prioritizes new geologic mapping in areas with lidar data coverage.

7. ABOUT THE DATA

Map areas comply with the national 7.5 minute quadrangle grid system.

GEOLOGY & MINERAL INDUSTRIES, DEPARTMENT of		II. KEY MEASURE ANALYSIS
KPM #7	REGIONAL GEOLOGIC MAP COMPLETION - Percent of Oregon where geologic data in the form of medium resolution maps have been completed to be used for regional problem solving.	2005
Goal	Initiate and conduct statewide geologic resource and hazard assessment.	
Oregon Context	Rural Economic Development and Sustainability of State Resources.	
Data Source	Department records.	
Owner	Geologic Survey and Services Section; contact: Holly Mercer, Assistant Director, 971-673-1548	



1. OUR STRATEGY

Compile and deliver on-line a digital geologic map database and map interface for resource, land use and hazard planning in Oregon; utilize best available legacy data derived from the >1,000 geologic maps in Oregon. Key partners include USGS, USFS, BOR, ODOT and DAS EISPD GEO.

2. ABOUT THE TARGETS

Complete 100% coverage and on-line delivery by June 30, 2013.

3. HOW WE ARE DOING

A complete digital geologic map for the state is now available. We are working on an update, and a new online platform is being developed for displaying this type of data. An example of the applied derivative information that can be created from this work is the ground shaking maps produced for a Magnitude 9 subduction zone earthquake that supported the Oregon Seismic Safety Policy Advisory Commission's legislatively-mandated earthquake resilience plan, completed in 2013.

4. HOW WE COMPARE

No nearest state neighbor, not the USGS, has a similar product online.

5. FACTORS AFFECTING RESULTS

Department web maps are being slowly rebuilt following the departure of key staff. The geology web map should be available in FY 2015, and join other Department web maps showing hazards, mineral, or geothermal data such as the Geothermal Information Layer for Oregon at <http://www.oregongeology.org/sub/gtilo/index.htm>.

6. WHAT NEEDS TO BE DONE

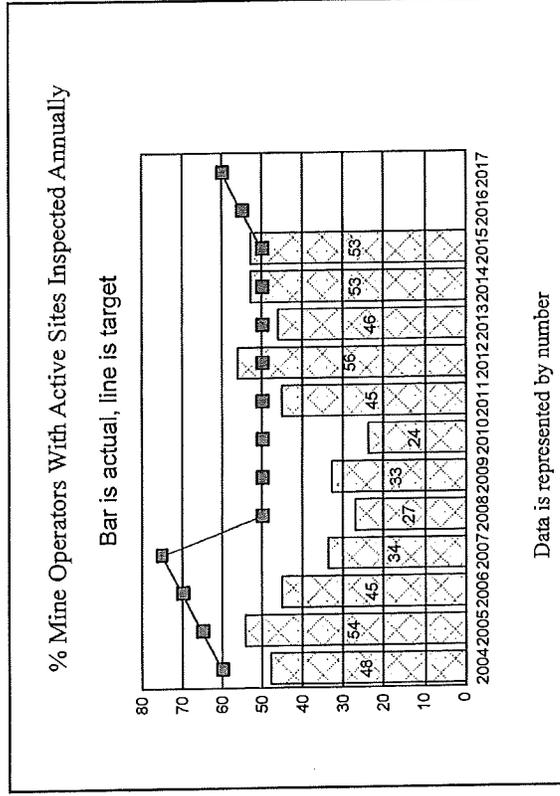
The digital geologic database needs to be updated with mapping completed since 2009, and made available as a web map.

7. ABOUT THE DATA

The geographic information system (GIS) layers of the data are available on CD at <http://www.oregongeology.org/sub/ogdc/background.htm#purchase>, and through the DAS GEO spatial data library.

GEOLOGY & MINERAL INDUSTRIES, DEPARTMENT of **II. KEY MEASURE ANALYSIS**

KPM #8	MINE SITES INSPECTED ANNUALLY - Percent of mine operators with active sites inspected annually.	2005
Goal	Recognize the important and essential contribution that the extraction of minerals makes to the economic well being of the state and the nation and to prevent unacceptable adverse impacts to environmental, scenic, recreational, social, archaeological and historic resources of the state that may result from mining operations.	
Oregon Context	Rural Economic Development and Sustainability of State Resources.	
Data Source	Department records.	
Owner	Mined Land Regulation and Reclamation; contact: Richard Riggs, Assistant Director, 541.497.4838	



1. OUR STRATEGY

Inspect 100% of unique permittees each biennium. The objective is to perform a site inspection of at least one operation of each unique mine operator with an active permitted

site(s).

2. ABOUT THE TARGETS

Annually inspect 50% of the unique operators with active permits for a total of 100% for the biennium. As of June 30 2015, there were 478 unique permit holders with active, amended, or new permits.

3. HOW WE ARE DOING

During FY 2015 the Department performed a total of 381 inspections; including in-person and aerial methods. Of these, 252 (53%) represented unique permit holding operators. The inspection trend has reversed direction from previous years and is now above target.

4. HOW WE COMPARE

No comparable data for neighboring states is available.

5. FACTORS AFFECTING RESULTS

MLRR program reclamationists inspected 283 sites in-person; of those, 36 (13%) required multiple inspections to ensure compliance assurance. Overall, 82 out of 381 total inspections were repeat visits (22%).

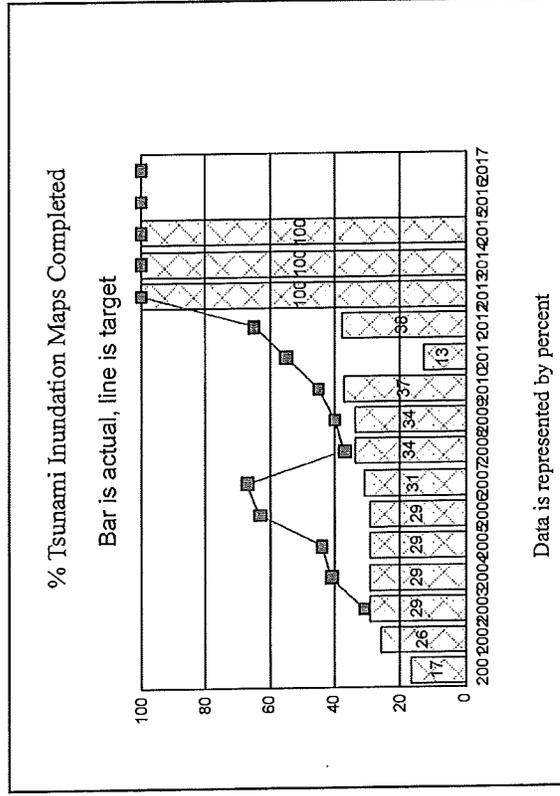
6. WHAT NEEDS TO BE DONE

Continue to emphasize in-person inspections and increasingly utilize GIS-based analysis of mined sites, as well as other technical tools, as is appropriate to streamline inspection activities. Continue to add functionality and clarity of information on the Department's website.

7. ABOUT THE DATA

A list of permit types, forms and related surface mining information is available at <http://www.oregongeology.org/mlrr/surfacemining.htm>.

GEOLOGY & MINERAL INDUSTRIES, DEPARTMENT of		II. KEY MEASURE ANALYSIS
KPM #9	TSUNAMI INUNDATION MAP COMPLETION - Percent of coastal communities provided with detailed tsunami inundation maps for local emergency planning.	2005
Goal	Reduce the loss of life and property by understanding and mitigating geologic hazards.	
Oregon Context	OBM 67a: Community Preparedness For Natural Hazards.	
Data Source	Department records.	
Owner	Geologic Survey and Services Section; contact: Holly Mercer, Assistant Director, 971.673.1548	



1. OUR STRATEGY

In partnership with NOAA and OEM, provide tsunami inundation hazard maps for at-risk communities and educate Coastal communities through the Tsunami Outreach Oregon education campaign. The maps depict five different sizes of tsunamis generated by progressively greater amounts of rupture along the Cascadia Subduction Zone (CSZ). The five

scenarios are referred to as the "Tsunami T-shirts" (S, M, L, XL, XXL) that span the range of anticipated inundation as has been documented by past events. Although it is uncertain what the magnitude of the next CSZ event will be, the probability of a Magnitude 8-9 earthquake occurring somewhere along the CSZ in the next 30 years is 10%.

2. ABOUT THE TARGETS

The entire Oregon Coast is at risk of varying degrees of inundation, including 45 communities and numerous State Parks (see KPM 2). Instead of focusing solely on at risk communities, KPM 9 covers detailed tsunami inundation maps for the five CSZ scenarios at a scale of 1:10,000-12,000 for the entire 363 miles of Oregon Coast

3. HOW WE ARE DOING

As of FY 2013 close, DOGAMI has mapped 363 miles of Oregon Coast for a 100% completion rate.

4. HOW WE COMPARE

NOAA considers the Department to be a national leader and model for other States in tsunami science, mapping, and outreach.

5. FACTORS AFFECTING RESULTS

Funding and technical factors have been resolved and mass production of new tsunami inundation maps has finished.

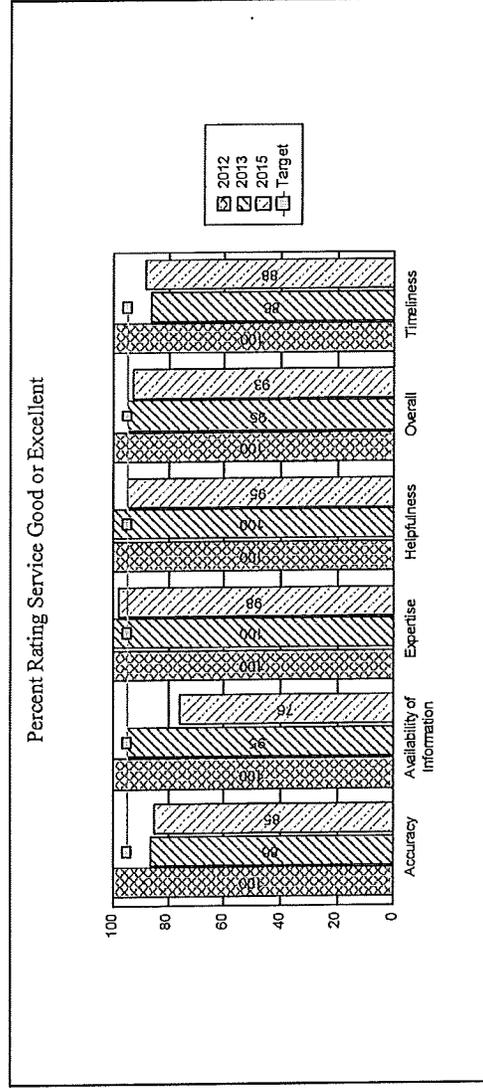
6. WHAT NEEDS TO BE DONE

As of FY 2013 close, DOGAMI has mapped 363 miles of Oregon Coast for a 100% completion rate.

7. ABOUT THE DATA

Tsunami inundation maps were previously published as Interpretative Map Series (IMS) maps 2,3, 11, 12,13,21,23, GMS-99, and Special Papers 41 and 43. The new-generation tsunami inundation maps are released as separate publications within the ITM (tsunami inundation map) series. All of these publications are available at <http://www.naturewv.org/geo-tsunamis.htm>.

GEOLOGY & MINERAL INDUSTRIES, DEPARTMENT of		II. KEY MEASURE ANALYSIS
KPM #10	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.	2005
Goal	Improve collaboration and deliver the highest level of customer service possible.	
Oregon Context	Statewide Mission.	
Data Source	Department survey results.	
Owner	All Sections; contact: Holly Mercer, Assistant Director, 971-673-1548	



1. OUR STRATEGY

Invite customer input; respond positively to constructive criticism.

2. ABOUT THE TARGETS

The ongoing target is 95% customer satisfaction.

3. HOW WE ARE DOING

Data was collected but with very few responses.

4. HOW WE COMPARE

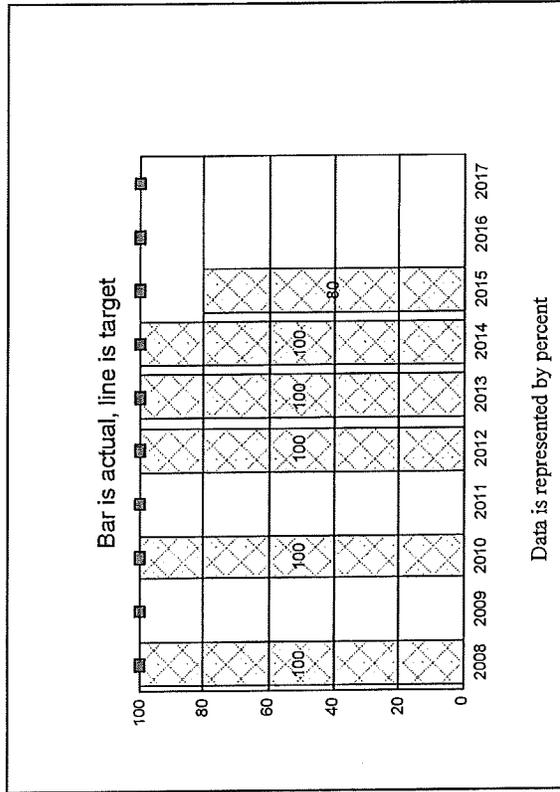
5. FACTORS AFFECTING RESULTS

6. WHAT NEEDS TO BE DONE

The Agency shall strive for continuous improvement in each category; will improve satisfaction by increasing the scope of information content and ease in locating earth science and regulatory information via the internet. We will develop a process to continuously collect customer satisfaction data. Presently we survey after outreach opportunities and technology transfer forums. We also will include a customer satisfaction survey with annual mine permit renewals.

7. ABOUT THE DATA

GEOLOGY & MINERAL INDUSTRIES, DEPARTMENT of		II. KEY MEASURE ANALYSIS
KPM #11	GOVERNANCE - Percent of yes responses by Governing Board members to the set of best practices. 2007	
Goal	Ensure discussion of governance best practices.	
Oregon Context	Statewide Mission.	
Data Source	Governing Board survey results.	
Owner	Holly Mercer, Assistant Director, 971-673-1548	



1. OUR STRATEGY

The board will review the 15 components of this measure and determine whether the board has met each component.

2. ABOUT THE TARGETS

3. HOW WE ARE DOING

With the recruitment of a new Executive Director, the board was unable to complete a performance review within the targeted time period. In addition, given the DAS Review Team findings, the board answered "no" to the following: 11. The agency adheres to accounting rules and other relevant financial controls; and, 15. The board reviews its management practices to ensure best practices are utilized.

4. HOW WE COMPARE

5. FACTORS AFFECTING RESULTS

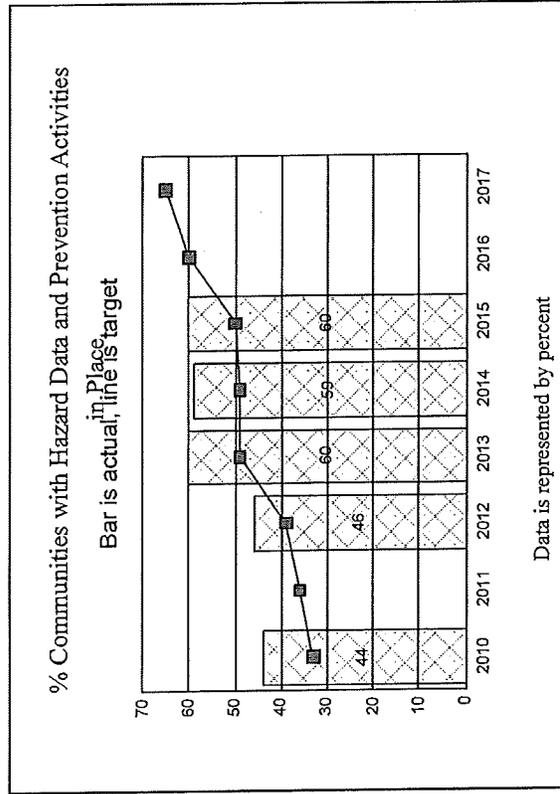
The Department has undergone significant changes in management personnel. In addition, business practices have been reviewed by a Department of Administrative Services Review Team and an Interim Management Team. New business practices will ensure better tracking and accounting for the entire department.

6. WHAT NEEDS TO BE DONE

The Department will provide current and ongoing information to the board about its business practices. In addition, an annual performance evaluation of the executive director will be completed in December 2016.

7. ABOUT THE DATA

GEOLOGY & MINERAL INDUSTRIES, DEPARTMENT of		II. KEY MEASURE ANALYSIS
KPM #12	Geologic Hazard Preparedness, % of Oregon communities with geologic hazard data and prevention activities in place.	2010
Goal	Reduce the loss of life and property by understanding and mitigating geologic hazards.	
Oregon Context	OBM 67a: Community Preparedness For Natural Hazards.	
Data Source	Department Records.	
Owner	All Sections; contact: Holly Mercer, Assistant Director, 971-673-1548	



1. OUR STRATEGY

Geologic hazards are defined in ORS 516.010: "Geologic hazard means a geologic condition that is a potential danger to life and property which includes but is not limited to earthquake, landslide, flooding, erosion, expansive soil, fault displacement, volcanic eruption and subsidence."

2. ABOUT THE TARGETS

The geologic hazard data targets are a matrix of progressive, data quality-related, standards for six sets of geologic hazards: a) earthquake and earthquake induced liquefaction, slope instability, and ground motion amplification; b) tsunami inundation for the entire coast including lidar-based community exposure risk maps; c) landslide inventory and susceptibility maps including rapidly moving debris flows; d) coastal erosion 4-zone maps and channel migration maps; e) riverine and coastal flood maps and lidar-derived community exposure risk maps; f) volcanic lahar inundation maps. The prevention activity standards relate to the completion, status of FEMA-approval, web availability, and sources of hazard data content of Natural Hazard Mitigation Plans.

3. HOW WE ARE DOING

Sixteen counties rated at the 75% mark of prevention activities in place; as of 2012, Multnomah County has the highest hazard data rating at 80%.

4. HOW WE COMPARE

No comparable data set available, however it is notable that the Department is widely recognized as a national leader in geologic hazards assessment and risk analysis in several subject areas: FEMA recruited the Department to develop flood and multi-hazard risk map products as a pilot for the nation, the Department is the technical lead on mapping and modelling tsunami inundation for NOAA; the USGS volcano hazards program selected the Department to develop multi-hazard risk and vulnerability assessments using methodologies that would be applicable to volcanic areas; the DOE arranged for the Department to assess the exposure of energy infrastructure to seismic hazards towards energy assurance; the USGS landslide hazards program is highlighting the applied research of the Department with focus on major hazardous landslide processes affecting western Oregon, particularly debris flow and reactivation of large, deep landslides to establish new landslide mapping protocols and tools; and the Department has developed OBSMAP, the "Oregon Beach and Shoreline Mapping and Analysis program" for NOAA to document the spatial variability of beach change at various time-scales (i.e. seasonal, multi-year and long-term changes).

5. FACTORS AFFECTING RESULTS

The acquisition and use of high-resolution lidar data improves the quality and measurable validity of hazard data in Oregon. This results in large scale and accurate inventories of existing hazards and provides the means for reliable hazard susceptibility mapping. Lidar-based maps have the added benefit of being visually appealing to the public and are readily understandable by decision makers.

6. WHAT NEEDS TO BE DONE

Continued hazard data mapping delivered in tandem with outreach and prevention activities of DLCD, OEM and local communities. The state is dependent on Federal funding by FEMA, NOAA, and USGS for most of the project funding for these efforts.

7. ABOUT THE DATA

The Hazard Prevention index is based on the status of county hazard mitigation plans and the quality of hazard data used to develop those plans. Hazard Data index is based on the availability and quality of earthquake, landslide, flooding, volcano, and river and coastal erosion data.

GEOLOGY & MINERAL INDUSTRIES, DEPARTMENT of		III. USING PERFORMANCE DATA
Agency Mission: Provide earth science information and regulation to make Oregon safe and prosperous.		
Contact: Holly Mercer, Assistant Director	Contact Phone: 971-675-1548	
Alternate:	Alternate Phone:	
The following questions indicate how performance measures and data are used for management and accountability purposes.		
1. INCLUSIVITY	<p>* Staff : Staff: Semi-annual to quarterly discussions with section leaders & project staff.</p> <p>* Elected Officials: The Joint Natural Resources Sub-Committee reviewed, discussed and approved the KPM in 2005; targets were modified by the Legislature in 2007 and again in 2009.</p> <p>* Stakeholders: Input has been sought and received from coastal communities, OSSPAC, OCAPA and key federal and state natural resource and emergency management agencies such as DLCD, OEM, USGS, NOAA and FEMA.</p> <p>* Citizens: The five-person Governing Board, selected from different geographic areas of Oregon, reviews and approves proposed and modified KPM.</p>	
2 MANAGING FOR RESULTS	<p>The KPM are directly used to measure program and project progress. Results and Measure targets impact project selection and focus fund solicitation efforts. KPM are a frequent discussion item at monthly management meetings. Nine of the ten KPM have been revised in recent biennia.</p>	
3 STAFF TRAINING	<p>Staff have had detailed KPM briefings on content, objectives, targets, measurement criteria, standards, results, benefits and consequences of their assigned KPM. These KPM are a driving influence used to craft Statements of Work for the Agency's numerous contracts for services. Examples include department work on NOAA National Tsunami Hazard Mitigation Program, USGS National Geologic Map Program and FEMA National Flood Insurance Program.</p>	
4 COMMUNICATING RESULTS	<p>* Staff : KPM relative and absolute progress is a component of performance expectations and appraisal.</p> <p>* Elected Officials: The annual report is available online at the Agency and Progress Board websites.</p> <p>* Stakeholders: KPM objectives and targets manifest themselves within contract Statements of Work.</p> <p>* Citizens: The general public is briefed during Governing Board meetings when KPM are on the agenda; KPM are described and results reported on at numerous public presentations that Agency staff present regarding geologic hazards in order to increase awareness and facilitate personal accountability towards mitigation.</p>	

CURRENT KEY PERFORMANCE MEASURES (KPMs) and RECOMMENDATIONS

1. EARTHQUAKE AND LANDSLIDE MAP COMPLETION
Percent of communities and other stakeholders with hazard maps and risk studies for earthquake and landslide hazards
Recommendation: Delete and replace with new KPM
2. TSUNAMI EVACUATION MAP COMPLETION
Percent target communities with official, reviewed evacuation map brochures produced by DOGAMI
Recommendation: Delete; 100% complete
3. COASTAL EROSION MAP COMPLETION
Percent target communities with standardized, 4-risk zone erosion hazard maps.
Recommendation: Delete and replace with new KPM
5. RECLAMATION
Total number of mining acres that have been reclaimed and returned to secondary beneficial use
Recommendation: Delete
6. 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
Recommendation: Retain with revised calculation
7. REGIONAL GEOLOGIC MAP COMPLETION
Percent of Oregon where geologic data in the form of medium resolution maps have been completed to be used for regional problem solving
Recommendation: Delete

8. MINE SITES INSPECTED ANNUALLY
Percent of mine operators with active sites inspected annually
Recommendation: Delete and replace with new KPM
9. TSUNAMI INUNDATION MAP COMPLETION
Percent of coastal communities provided with detailed tsunami inundation maps for local emergency planning.
Recommendation: Delete; 100% complete
10. 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.
Recommendation: Retain
11. GOVERNANCE
Percent of yes responses by Governing Board members to the set of best practices
Recommendation: Retain
12. GEOLOGIC HAZARD PREPAREDNESS
Percent of Oregon communities with geologic hazard data and prevention activities in place.
Recommendation: Delete and replace with new KPM

PROPOSED KEY PERFORMANCE MEASURES 2017-2019

1. HAZARD RISK ASSESSMENTS COMPLETION

Percent of population residing in Oregon Urban Growth Boundaries (UGBs) that have hazard risk assessments that meet criteria to initiate Department of Land Conversation and Development Goal 7 planning for earthquake, landslide, tsunami, coastal erosion, and flooding

Data:

Population in UGBs that have received hazard risk assessments
Divided by 2010 population census of UGBS
Times the proportion of hazards with completed assessments.

Target: 100% of Population residing in Oregon UGBs

2. LIDAR DATA COMPLETION

Percent of Oregon (sq. miles) with lidar data at USGS quality level 2 or better.

Data:

Total Oregon sq. miles with lidar data
Divided by total sq. miles of Oregon

Target: 100% of Oregon

3. 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:

Total sq. miles of Oregon in Nominal Inhabited Area (NIA) with high resolution geologic maps
Divided by total sq. miles of NIAs

Target: TBD

4. ACCESSABILITY OF DOGAMI INFORMATION

Percent of DOGAMI information that is current and accessible by ensuring legacy data is digitized, indexed, and cataloged, the website is redesigned according to state parameters, and the databases are current, discoverable, and recoverable.

Data: Department reports on % toward target progress on an annual basis

Target: 100%

5. TIMELY PROCESSING OF MLRR PERMIT AND EXCLUSION CERTIFICATE APPLICATIONS

Percent of all new completed permits, completed permit amendments or transfer, and completed exclusion certificate applications within statutory time frames.

Data:

Total number of applications for permits, amendments, transfers and exclusion certificates completed in statutory timeframe Divided by the Total number of applications for permits, amendments, transfers and exclusion certificates received

Target: 100% for all categories

6. ACTIVE MINE SITES INSPECTED BIENNIALLY

Percent of active mine sites inspected biennially

Data:

Total number of active mine sites inspected between July 1, 2017 and July 1, 2018 and between July 1, 2018 and July 1, 2019 Divided by the total number of active mine sites as of July 1, two years

Target: TBD

7. 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.

8. GOVERNANCE

Percent of yes responses by Governing Board members to the set of best practices