1) **Call to Order:** (Scott Ashford, Board Chair)

Chair Scott Ashford called the meeting to order at 8:32 a.m.

2) **Introductions:** (Scott Ashford, Board Chair, and Staff)

Chair Scott Ashford, Vice-Chair Linda Kozlowski, Board Members Anne MacDonald, and Erica Medley, were all in attendance via Zoom video/phone. Board Member Diane Teeman was not in attendance.

Department of Geology and Mineral Industries (DOGAMI) Staff in attendance:
- Ruarri Day-Stirrat – Director/State Geologist
- Sarah Lewis, MLRR Program Manager
- Lori Calarruda, Recording Secretary/Executive Assistant
- Alex Lopez, Public Affairs Coordinator
- Steve Dahlberg, Chief Financial Officer (CFO)
- Jason Mc Claughry, Interim GS&S Program Manager
- Bill Burns, Engineering Geologist
- Laura Gabel, Coastal Field Geologist
- Christina Appleby, Legislative Coordinator/Geohazards Analyst

Others in attendance:
- Diane Lloyd, Department of Justice (DOJ)
- April McDonald, Legislative Fiscal Office (LFO)
- Sione Filimoehala, DAS Office of the Chief Financial Officer
- Annette Nelson – OSU Student

Chair Ashford announced he would be leaving the meeting at the first break and that Vice-Chair Kozlowski would take over chairing the meeting.

3) **Introduction of New Board Members:**

Chair Ashford/Director Day-Stirrat welcomed new Board Members Anne MacDonald and Erica Medley. They introduced themselves at the previous meeting.

4) **Review Minutes of September 27, 2022 Board Meeting:**

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

Board Action: *Kozlowski moved to approve the minutes of September 27, 2022 as submitted.*

*MacDonald seconded. Motion carried.*
5) **Confirm 2023 Board Meeting Dates:**

The Board discussed the Proposed 2023 Board Meeting Dates.

The 2023 DOGAMI Board Meeting dates are:

- **March 6, 2022** (Monday)
- **June 26, 2022** (Monday)
- **September 25, 2022** (Monday)
- **December 11, 2022** (Monday)

**Board Action:** Kozlowski moved to approve the proposed Board Meeting dates as discussed. MacDonald seconded. Motion carried.

6) **Financial Report:**

Steve Dahlberg, Chief Financial Officer, presented the DOGAMI FY2023 Budget Status Report, as of September 30, 2022, for the Geological Survey and Services (GS&S) and Mineral Land Regulation & Reclamation (MLRR) programs.

Dahlberg stated the financial actuals, projections, and graphs are in the Board Packet, and his presentation is to provide a brief summary of the financials ending September 2022. For GS&S, General Fund has a $6.4M budget, with expected Expenditures of $5.5M, resulting in being $.945M under budget (14.7%). This allows the Agency to invest in future geologic and scientific research.

Other Funds has an Expenditure Limitation Authority budget of just under $2.5M, with expected Expenditures of $1.0M, resulting in being nearly $1.5M under the authorized budget (59.1%). The Revenues of $930,000, comes from Grants: $507,000 (54.5), Lidar $277,000 (29.8%), and Strong Motion Instrument Fund (SMIF) $146,000 (15.7%). There are potential new grant proposals from Oregon State Parks and Regional Disaster Preparedness Organization (RDPO), and a large Lidar project from Department of Forestry, that will change the projections.

Federal Funds has an Expenditure Limitation Authority budget of just under $5.8M Budget, with expected Expenditures of $5.2M, resulting in being nearly $0.6M under the authorized budget (10.3%). The Revenues of $5.2M, comes from Grants: $2.3M (44.2%), Lidar almost $2.9M (55.8%). Lidar is the largest bulk of DOGAMI’s work, but the Agency continues to work with federal funders for future projects. Dahlberg stated the Agency has made a conscious effort to shift towards large federal grants, away from many small ones.

MLRR has an Expenditure Limitation Authority budget of $4.3M, with expected Expenditures of $4.1M, resulting in $0.23M under budget (5.4%). The Revenues of $4.9M comes from fees and DEQ Water Quality permits.

Kozlowski asked Dahlberg about the Agency being $1.5M under budget and if it received more grants than expected. Dahlberg explained Other Funds are driven by grants from other State agencies or
private partners. This year had a little slow down but anticipates the 2023-25 biennium to be stronger.

Chair Ashford asked for clarification of Other Funds. Dahlberg explained the Other Funds budget is actually an Expenditure Authority and the limitation amount the Agency can spend up to; they are also reimbursement type funds, where the Agency must spend money for staff and other resources to receive them. Ashford stated he is understanding being underbudget to mean that is not necessarily the amount the Agency will spend. Dahlberg answered that is correct and explained that compared to General Fund, where the Agency is provided a budget it can spend up to but not go over, for Other Funds and Federal Funds it is given an authority to spend, but if there are no grants there is no money to spend.

For updates and highlights, Dahlberg said DOGAMI submitted two large USGS 3DEP Lidar proposals: Willamette Valley for 8,169 sq miles, about $4.1M, and Deschutes County for 5,810 sq miles, about $2.8M. The Agency successfully collaborated with Oregon Department of Forestry for an almost $2.2M Lidar project to cover 4,629 sq miles, that is driven by the Private Forest Accord. The Agency will need to request an Other Funds Expenditure Limitations Authority Budget increase for about $730,000 in early 2023. Dahlberg said the Agency received a Gold Star Certificate from DAS CFO for excellent financial work in fiscal year 2021, he recognized the Business Office team for their good work this last year.

Dahlberg said regarding the status of the 2023-25 Budget process, the Agency had a meeting with the current Governor’s Office for initial processing of POPs and CFO Analyst recommendations. DOGAMI is waiting for the transition of the Governor’s Office and staff and expect the Governor’s Recommended Budget (GRB) should be completed in January 2023.

In closing, Dahlberg said DOGAMI is doing well and has a very healthy outlook.

Chair Ashford congratulated Dahlberg on his great work since taking over as CFO and thinks the acknowledgement by DAS is an indication DOGAMI is doing things right. Kozlowski agreed.

Medley asked what the criteria is for needing to get new Lidar. McLaughry stated there are still areas of the State that have not been flown yet, and DOGAMI is working with USGS to cover the rest of the State. For the Willamette Valley, it was collected back in 2007 and 2009, sensors have improved providing for the ability to get better resolution on topographic data. In many areas there is room to improve the Lidar data and bring it all up to USGS standards for the federal data collections.

MacDonald added kudos for the work the Agency has done.

Kozlowski asked about the transition of leadership at the State. Director Day-Stirrat said it is up in the air at the moment, but the Chief of Staff and the DAS Director have been appointed; there are a lot of things that have to be worked out.

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

7) Civil Penalties:

DOGAMI Board Minutes for December 1, 2022
Sarah Lewis, MLRR Program Manager, presented Program recommended Civil Penalties.

Lewis stated the MLRR Program is asking for consideration of Civil Penalties. She explained Civil Penalties have been in place for two years now and provided a little background for the new Board Members. She discussed how the Program prioritizes which sites to go after for Civil Penalties and reviewed the framework of the Continuum of Mining Without a Permit (MWOP) to reflect how they determine the severity of the violation. Lewis explained the continuum table with the range and types of considerations used by DOGAMI staff to assess each MWOP case. It lists major factors for determining severity and includes mitigating consideration and aggravating elements. The violations at each site may then be considered across the spectrum of each factor. By taking all the factors together, they get a sense of the overall severity of the violation, and can rank the site or case on a scale from 1 to 10. She noted that there is no zero on the scale; every mining without a permit site is technically eligible for a Civil Penalty. Due to limited resources, and with the Governing Board’s support, the Program can only focus on the most egregious cases that are 7 or higher.

Lewis reviewed the Morgan Creek site to demonstrate how staff determined the rating. Based on magnitude of harm and aggregating factors, it was ranked an 8, and the case was approved by the Board for Civil Penalties in July of 2020.

Lewis reviewed the steps for Proceeding with Civil Penalties. The framework was developed in 2019 in conjunction with DOJ, following DOGAMI’s rules and statutes, which is all summarized in an Internal Management Directive available on the Agency’s website. Lewis stated the Program tries every avenue possible to achieve compliance before asking for Civil Penalties. This usually means the site has been in non-compliance for several years.

Ashford asked about the Class 1-4 Violations and noticed that Class 4 Violation goes directly to the Board. Lewis explained Class 1-4 are DOGAMI classes that are increasing in severity; an example of Class 1 being non-payment of renewal, and Class 4 being Mining Without a Permit.

Lewis briefly discussed what happens if the respondent requests a hearing. She stated there continue to be opportunities to resolved the case informally throughout the process; and mentioned the options that can be taken if the respondent is unable to pay.

Lewis said the Morgan Creek site did ask for a hearing and discussed how the process played out. It was resolved via a Consent Agreement, which she stated has been effective. All the established milestones have been met to date, and the agreed to penalty payments are being received timely. Lewis shared photo evidence of the success with two pictures of site showing before and after the required reclamation steps were taken.

Lewis presented the new case Ekroth Quarry (29-0040), Mining Without a Permit via Trespass. It is a permitted site in Tillamook County and the current permittee took it over in 2010. They have mined outside their approved permit boundary since 2014. Efforts to achieve compliance with the site have involved multiple agencies over several years.

In the June 2021 Board meeting, MLRR presented this site’s details, which also included mining on to State lands, where the Department of State Lands holds the mineral rights, and Department of Forestry owns the timber. There were two landslides into Electric Creek, which is Marbled Murrelet nesting habitat. Originally MLRR anticipated having a penalty amount by the December 2021 Board
meeting, but subsequent updates to Board included progress being made with the hiring of a qualified consultant, and good coordination amongst State agencies and with the permittee. Unfortunately, progress has completely stalled.

Lewis said the Ekroth Quarry has significant aggregating factors, and ranks as a 9 on the continuum. The permittee continues to comply with the Suspension Order, however at last contact in October 2022 the consultant was no longer working with them, and MLRR staff have not received any indication of their next steps. Their continued lack of response is why this request comes to the Board.

Lewis said to develop recommendations for the amount, we reviewed the documented and classified violations that include:

- Engaging in Mining Without a Permit – Class 4
- Removing for profit any valuable mineral from any portion of mining property preserved from mining – Class 3
- Failure to mark boundaries for excavation areas, stockpiles, setbacks and buffers prior to mining – Class 3
- Operating a surface mine without legal interest in the land sufficient to ensure authority to operate and reclaim – Class 3
- Operating a surface mine without landowner and mineral interest owner approval – Class 2
- Failure to comply with a Department Order – Class 3
  - NOV – Trespass
  - Failure to comply with a Department Order – Class 1
  - NOV – Security
  - Failure to maintain adequate reclamation security – Class 1

Lewis then reviewed the chart for Determining Magnitude of the Violations to assess the amount of Civil Penalties. None of the mitigating factors are currently applicable at the site. All the aggregating factors can be assessed for the term of this violation. Because of that, the Program has chosen to use the maximum amount for each occurrence of the violations.

Kozlowski asked about the moderate rating to determine the amount. Lewis explained the moderate/median is the default amount and then either goes up or down in charges based on mitigating and/or aggravating factors.

Kozlowski asked when the cooperation stopped. Lewis answered over the last 6 months. The Program had been working with their consultant, but then the consultant said they were no longer working with them, so the avenue for progress has stopped since MLRR is unable to contact them.

Ashford asked about the economic benefit and the difference between mitigating and aggravating factors. Lewis explained it is for economic benefit, a larger amount would be aggravating.

Lewis reviewed the Aggravating Factors that include economic benefit, magnitude of harm, number of violations, previous similar violations, and pattern of conduct. She stated this is where the documentation comes in. MLRR can demonstrate the magnitude of harm by: the sediment deposition into Electric Creek due to the slides; calculating the volume of that material, and if that was removed and sold, what that economic benefit would have been to the operator; and the width
of the setback that they were not supposed to mine into, as it has a volume that can be calculated by
using the numbers of trucks sold into market. The Program was able to make some estimates around
what that economic benefit might be and are cautiously looking at somewhere over $1M with this
site. Lewis stated this has been going on for over 8 years and the Program has the ability to
determine how to calculate the number of occurrences for either daily or annually.

Chair Ashford asked if the Agency is setting precedent or does DOGAMI have the freedom to look at
each set of violations independently. Lloyd said the Agency is in the beginnings of implementing the
Civil Penalties Program and going forward it is trying to develop the guidance for staff to maintain
consistency by applying the factors consistently to make sure that individuals in this situation are
treated equally and reasonably. But each of these factual situations is unique, which limits it in that
way. Lloyd said the goal with the IMD and the directives to staff, is to try to ensure that the
Department is following a process that will result in similar results in similar situations. Lloyd added
as the Agency develops this Program and uses these tools more than what have existed, the Board
could move towards putting more of this in rule, so that there are more of these standards in the
rules, so that the public's aware of those at the outset.

Chair Ashford thanked Lloyd and said every time the Board does something, they will want to reflect
on what was done the last time, as he is sure some of the violators will as well.

MacDonald asked if the Agency is working with DEQ to determine water quality violations and if
there are overlapping penalties. Lewis explained DOGAMI is not double penalizing them, that each
agency has their own set of penalties and violations. DEQ was a $5,600 penalty for the water quality
violation; $4,713 in royalties to DSL; and ODF will also recover the loss of timber and timber
production at the end of the project, when that amount is assessed. She said DEQ has a very
prescribed rule for their calculation and she did not know the frequency, but could check with DEQ.

Lewis reviewed the Total Occurrences for each violation chart, which some of these occurrences go
back to 2012. Chair Ashford asked the reason for using a monthly basis. Lewis answered the time
frame for complying with orders is usually 3-6 months, so using the year step would allow for
overlooking them a couple of times per year, which is why she thinks a month is a more appropriate
step.

Lewis asked for Board approval for Penalty Option 2 in the amount of $432,000 with a lower
threshold of Expedites Enforcement Offer (EEO) amount of $68,500, that allows the Program
flexibility in negotiations, while ensuring that a minimum penalty is set; the Program could not go
below this amount without additional approval by the Board. The Program’s ultimate goal is to get
the site in compliance.

Chair Ashford said he thinks the number of occurrences is reasonable and does not think the number
of occurrences should be lowered, but the amount charged can be. He thinks the EEO should be
higher. Medley agreed with Chair Ashford that for setting precedent going into the future, the
number of occurrences should be higher and charging a lower amount makes more sense to her.

MacDonald asked if the minimum amount with the additional bond amount will cover the cost of the
reclamation, including work on the sediment deposition in Electric Creek. Lloyd said DOGAMI’s
authority is in statute ORS 517, the authority is in setting the reclamation bond to cover the amount
to reclaim the site based on the reclamation plan. The amount of the Civil Penalty is truly a penalty, and not designed to mitigate for natural resources, or for habitat loss.

MacDonald understood what Lloyd said, but Lewis had mentioned the reclamation bond had not been increased to account for the mining on the trespass land and into the buffer. Lewis replied the EEO would only be offered if there were other agreements in place to ensure reclamation.

Lewis referred to the program’s calculations and informed Chair Ashford that if the number of occurrences were calculated monthly the EEO would increase from $68,500 to $113,000.

Kozlowski said the goal is to go in and to negotiate and to provide action, but thinks the higher amount may get their attention. The amount is high, but she worries a lower amount would not cover cost recovery for staff’s time. Lewis stated the Program is not allowed to consider that when determining the penalty amount, it can only rely on the violations and occurrences. Lloyd added there is not specific provisions for that in the statutory authorities.

Lewis reminded the Board that Civil Penalties collected do go towards Program expenses incurred to administer the Civil Penalty first. So, unlike other agencies, DOGAMI does receive those Civil Penalties for Program use, specifically the Voluntary Reclamation Program under Division 38. A discussion took place and Lewis said the EEO ($68,500) is the lowest amount the Program would be comfortable with.

Kozlowski asked what the first steps are. Lewis answered the Notice of Civil Penalty Packet for the higher amount, that will include the milestones for reclamation and the expectations; the EEO is a negotiating tool.

Medley said the resulting amount and penalty is reasonable. It does seem really egregious, the amount of time and the fact that they did have awareness at one point and then dropped it. The more the Program can make the aggregating and mitigating factors more quantitative for the future, she thinks is great when describing volumes and quantities. It is really helpful for being able to remove any subjectivity one might have.

MacDonald said she looks at the penalty amounts relative to the estimated economic benefit, and would hate to see an enforcement program that assesses penalties that are so low that it becomes an easy cost of doing business, incurred penalties. She appreciates the work that Lewis and her staff has done to pull this together, and supportive of going forward with the proposal.

Kozlowski said she is really impressed with the work Lewis and her staff have done; it is an excellent job.

Chair Ashford agreed and appreciated them starting this Program and getting it to this point and making it as clear as it is, and really prioritizing the sites. He thinks it is something that has helped the Board.

Board Action: Kozlowski moved to accept the Civil Penalties Proposal as presented. Ashford seconded. Motion carried.

8) Technical Presentation: Post-Fire Debris Flow:
Bill Burns, Engineering Geologist, gave a technical presentation on Post-Fire Debris Flow.

Burns stated the presentation would be on some Post-Fire Debris Flow research and projects the Agency is working on, related to the mega fires in Western Oregon that happened on Labor Day 2020 and burned about 11% of the Cascades in Oregon.

Burns discussed the Eagle Creek fire of 2017 located in the Columbia River Gorge. He said on January 12-13, 2021 there was an Atmospheric River storm in that caused debris flows and one out of Levens Creek that caused a fatality. These events were a wakeup call for research to understand post-fire debris flows, and the risk, and work on risk reductions, especially in Western Oregon, where they are very poorly understood.

Burns discussed the research teams DOGAMI staff joined, focusing on the partnership and data collection with the USGS Landslide Program. This program is where, after fires in the US, they go in and run their post-fire debris flow models, which tries to predict where there might be post-fire debris flows in the future. Research is being done trying to determine where and how debris flows start; staff collect field points, field notes and pictures for each one. The goal is to update the USGS likelihood model for regions of Oregon. It helps them to determine how much rainfall it takes before a debris flow will occur. This will help them determine thresholds of rainfall that will allow them to put out alerts before the storm.

Burns stated most of the post-fire debris flow research has taken place in Southern California, in Arizona, New Mexico, and Colorado, where they have very different climates, geology, vegetation and types of rainfalls that happen in those areas. They are not sure if those models actually work here in Western Oregon, where there are extreme differences, and since there does not need to be forest fires to cause debris flows, it can happen without fires. He showed a graph depicting visually what might be happening.

He explained another major part of the research being done in Western Oregon on investigating how debris flows start by asking questions related to: if there is more runoff; trees losing root strength; soils change because all the ground force floor vegetation being burned off; timber harvesting. Research is being done with Oregon State University, looking at the root strengths and how the root strengths change when a forest burns. The thinking is there could be a decrease in that root strength, causing an increase in landslides in these post-fire environments.

Burns stated some conclusions on the post-fires debris flow research are that wildfire does have an influence on debris flows in Western Oregon, but is probably quite different than what happens in the drier climates of Southern California, Arizona, New Mexico, and Colorado. More research is needed to determine how much rainfall feel when there were debris flows, or non-debris flows, so that thresholds can be established.

Burns discussed DOGAMI proposed projects to FEMA to further assess the Post-Fire Debris Flows and work with the impacted communities on risk reduction. Some of the Scope of Work include collecting Lidar, mapping past events and deposition areas; modeling the future susceptibility; analyzing the risk (buildings with people living in them in the hazard zones), and determining and implementing risk reduction steps.
Kozlowski asked what some of the ways they mitigate the potential landslide hazards. Burns said by determining risk reduction; the first step is awareness: making people aware of the area they are in and informing them of the hazard zone. Once they are aware, working on establishing the thresholds so landslide warnings can be properly issued. Other options include DLCD working on land use planning – mitigating the hazard and/or avoid building in those areas; catch nets: debris flow netting to help reduce the spread of the flow.

Kozlowski asked what LCOG was. Burns answered Lane Council of Governments, located in Lane County where the Holiday Farm fire took place. He explained the Agency can pass through grant money to DLCD and LCOG to help with the post-fire debris flow projects; they are partnering with DOGAMI.

MacDonald said this work would connect up with ODF&W, Department of Forestry, and OWEB’s revegetation strategies. She asked if they are looking at debris flows damming creeks and addressing hazards related to flooding upstream caused by blockage, channel migration zone, issues around evulsion. Burns said DOGAMI is working with all these agencies, along with many other State Agencies and making them aware. With regards to channel blocking, the Agency is also looking at mapping the hazard.

Medley asked since the State gets atmospheric rivers and debris flows in non-burned areas all the time, if they are looking at sort of the relative risk level after an area has been burned, and how much more at risk, or what would that threshold be for precipitation and cause these debris flows in an area that has been burned versus one that has not. Burns explained they are looking at looking at the background hazard and mapping that hazard because it is important. He said there are a few dams along the North Santiam there are concerns about. Some debris flows actually flow into bodies of water like lakes and some may effect drinking water; there are also concerns with infrastructure damage.

Kozlowski asked when they will be at the risk assessment standpoint. Burns explained they have four projects in those areas that are in a stair step phase approach and are expected to take 2-3 years to complete.

Kozlowski stated that partnering with other agencies and providing the data so they all can work for the same result is impressive.

Briefing: No Board Action Required.

9) MLRR Update:

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

Survey Responses and Customer Service

Lewis said there were some lingering requests and questions from the presentation around the Key Performance Measures at the September meeting, so additional information about longer term trends in those survey results and some ideas for improving responses going forward will be provided.
Lewis stated KPM 5 Customer Service was originally shown as the total number of responses for the Agency. She showed graphs reflecting the breakdown between the MLRR and GS&S programs and the percentage of responses ranked good or excellent; the number of responses has gone down over the last three years. Kozlowski asked if the Agency knows why there was such a reduction. Gabel said yes, there’s a lower level of engagement between GS&S and customers versus MLRR, and once a year an email blast is sent out, which was delayed getting out this year. Going forward, the Agency will implement sending out multiple emails; having an online survey; asking people to do a survey when they view or download our publications and when staff give a presentation; and emails will be sent out to certain groups after specific meetings. Kozlowski said they sound like excellent ideas and will see how it is working. Kozlowski asked to have an update provided at the June meeting.

Gabel provided an answer to Board Chair Ashford’s previous question on KPM 1 about the measure of how many of the State’s Urban Grown Boundary (UGB), all the population centers, have had hazards mapped, because it looked like all had something done. Gabel looked into it, and as the KPM is defined and calculated, something has been done, as every UGB is getting credit for the statewide earthquake shaking maps done for both Cascadia and any crustal faults. She explained that she removed that blanket statewide work, and of the 217 UGBs, and all but 68 have had something mapped outside of that layer. Kozlowski asked Gabel to give Chair Ashford a call with the information.

Lewis continued her update discussing the MLRR portion of the Customer Service Responses and tied them to the decrease in timeliness of processing active applications. She reviewed a graph that compared them from 2020 to now. The current applications processing time is an average of 11 months, and the Program’s goal and target is around 4-6 months. In addition to doubling the timeline, the number of applications have doubled, and the fact that staff are keeping processing at 11 months is testament to their continued productivity.

Lewis reviewed the breakdown of the responses and comments, then discussed action steps the Program is taking to address the concerns. Lewis stated there are not a lot of easy solutions, since the processing of permits takes technical expertise by staff, but additional staff members have been brought on to help and there has been incremental increase/improvement in the Program’s ability to process the permit applications more quickly.

Regarding communication, several ideas were discussed at the September meeting. The Program has developed and implemented a triage protocol for handling emails and will work to acknowledge emails within 3-5 business days, and provide a substantive response or a timeline for follow up in that email; which only half of the staff feel they can do that right now. It was also brought up to have an auto-reply message to go out stating staff are overwhelmed but will get back to them; two staff have implemented that option.

Kozlowski asked of the two staff, what percentage of their time is spent on responses. Lewis said 40%-50% of their time. She added staff are very frustrated and would love to be able to answer all the questions, and they want to be able to process permits faster, but it has gotten to the point where the request for status updates is actually interfering with their ability to make progress on the reports. Kozlowski said at least an answer is better than no answer at all and it should help.

Lewis said outreach is another category they received feedback on. In addition to the quarterly newsletter and putting information on the website, staff are coming up with ideas about how to
provide tutorials on how to fill out forms, or hold virtual meetings where they walk people through certain things, but that will depend on staff capacity. The Water Quality Program, in coordination with DEQ is an example of successful outreach by MLRR and could be a model for the whole program.

MacDonald said Department of State Lands has a robust status portal and asked if the Program has looked at using something like that. She also thinks they will always get chunks of permits and asked if the program has consultants they could look at having as backup. Lewis said the Program did not have the capacity financially in the past and it would be less expensive to have staff long term. The Grassy Mountain Project does have on call consultants that are reimbursed as part of the direct cost recovery project. With respect to a portal, Lewis said they did work with DSL and DEQ around potential implementation of online tracking and permitting. The Agency’s number one Policy Option Package (POP) is for ePermitting that will actually piggyback on DEQ’s Your DEQ Online system.

Permitting Update

Lewis said the program has received a few more permit applications since the last meeting, and are up to 72.

Lewis officially recognized and thanked Cathy Cross, who was the MLRR Office Specialist since 1992, for her work; she stated today is Cathy’s last day as she has retired. The recruitment has been posted for the position and it closes December 11th. Staff are helping to cover the work she did until someone is hired.

For the Grassy Mountain update, Lewis stated there has been some media coverage lately. The Technical Review Team (TRT) met and the Consolidated Application process continues to move forward. The application has not been deemed complete yet and DOGAMI is waiting on additional information from the applicant. DOGAMI and BLM have an agreement in place to coordinate to the maximum extent possible, and keep the timelines in step for the NEPA Process at the federal level and the state’s Environmental Evaluation, which occur after the applications are complete. It is a great team at BLM and there are frequent meetings working to make sure that everything moves in lockstep as it goes forward.

Kozlowski said Glassy Mountain has turned out to be very complex.

Briefing: No Board Action Required.

10) GS&S Update:

Jason McClaughry, Interim GS&S Program Manager, provided an update on the GS&S program.

McClaughry said GS&S staff are currently working on 15 non-Lidar grants, eight are Federal Funds and seven are Other Funds, there are also five Lidar projects; Dahlberg previously went over the budget details in the Financial Update.

The Board Packet has the first GS&S Program newsletter called Oregon GEO and it focuses on Agency updates, as well as particular staff highlights or scientific research topics that are going on within GS&S; it is available online. This will be a companion to the ENGAGe Newsletter that’s put out by MLRR.

McClaughry reviewed in detail two Lidar proposals, and stated he is proud of the Lidar team’s efforts.
1. USGS 3-Dep FY23 Proposal for $7,219,268, covers parts of ten counties, including 7,081 sq. miles in the Willamette Valley for $3,698,393, which is largely updates to make it 3-Dep compliant, and 6,714 sq. miles of Deschutes County for $3,520,775.

2. Oregon Department of Forestry/Private Forest Accords cooperative agreement for $2,182,537.50 that covers 4,629 sq. miles.

McCloughry stated conversations have been started with Bureau of Land Management (BLM) for another 5,000 sq. miles to be collected in parts of Oregon. He showed a map for the Lidar coverage and said he anticipates in the next 3-5 years moving towards have statewide coverage of Lidar data.

Briefing: No Board Action Required.

11) Director’s Report:

Ruarri Day-Stirrat, Director & State Geologist, provided an update on the Agency.

Agency Update

Day-Stirrat stated due to the Lidar projects the Agency will need to ask for an Expenditure Limitation increase. Both analysts from LFO and DAS CFO are aware of the implication, as the Agency speaks to them on a regular basis.

Day-Stirrat attended the OCAPA Board meeting the week before Thanksgiving, where he informed them of the current situation regarding the number of permits; the lobby group and membership are aware of the situation and conversations with OCAPA will take place around solutions.

Day-Stirrat stated across the Agency, from management, labor, and staff members, has looked at its processes, and have updated almost everything related to safety. Going into a new biennium, DOGAMI feels it is in a very strong place to make sure that staff are safe and able to do their jobs on a daily basis. Over the last several months, several activities have taken place regarding safety.

1. The Agency has been working on the Continuity of Operations Plan (COOP), a formal document that describes the legal necessities of the Agency in an event of a disaster, and outlines succession planning and communication with staff; it is mostly done.

2. DOGAMI has been reinvigorating the Disaster Preparedness Plan with Alex Lopez taking the lead, there is no overlap with the COOP.

3. The COOP and Disaster Preparedness Plan will be rolled out to staff at the end of January, who will be asked to provide personal cell phone numbers as part of COOP; there is a Communication Plan in the event of a disaster.

4. Several months ago the Agency participated in the Governor’s Disaster Cabinet; at the meeting DAS requested that all leadership affirm they were 14 days ready, that affirmation has occurred.

5. The Agency Safety Committee and labor, have reinvigorated the Agency’s field safety documentation and included a recent policy. This is important to the Agency and comes with a small financial burden for equipment needed to ensure staff of both Programs are safe in the field while doing State business.
6. Finally, the Agency is working with DAS Motorpool to exchange older end-of-life vehicles for new up-to-date vehicles, as safety starts at the office and finishes when staff return to the office. This is not to downplay office safety.

Kozlowski said it is amazing and really that the Agency, for which represent disaster preparedness, has an internal program; it is consistent with its mission, and thanked Day-Stirrat for doing it.

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

**12) Public Comment:**

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

Kozlowski thanked Medley and MacDonald for joining the Board, their input is helpful and broadens the approach as the Board looks at both MLRR and GS&S issues.

**13) Board Adjourn:**

Vice-Chair Kozlowski adjourned the meeting at 11:24 a.m.

APPROVED

Scott Ashford, Chair