

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

Friday, March 12, 2021

8:30 a.m.

Virtual Public Meeting

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

Chair Laura Maffei called the meeting to order at 8:32 a.m.

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

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

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

Brad Avy, Director/State Geologist

Lori Calarruda, Recording Secretary/Executive Assistant

Steve Dahlberg, Chief Financial Officer (CFO)

Bob Houston, GS&S Program Manager/Legislative Coordinator

Sarah Lewis, MLRR Program Manager

Cari Buchner, Mining Compliance Specialist

Bill Burns, Engineering Geologist, Natural Hazards Section, GS&S Program

Others in attendance:

Diane Lloyd, Department of Justice (DOJ)

John Terpening, Legislative Fiscal Office (LFO)

Renee Klein, DAS Office of the Chief Financial Officer

Alan Niem, Professor Emeritus, OSU – College of Earth, Ocean, and Atmospheric Sciences

Rachel Smith, Department of Land Conservation and Development (DLCD)

1 **3) Review Minutes of December 4, 2020:**

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

3

4 Board Action: **Kozlowski moved to approve the minutes of December 4, 2020 as submitted.**

5 **Ashford seconded. Motion carried.**

6

7 **4) Civil Penalties:**

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

10

11 Buchner said there were two sites eligible for a renewal late fee Civil Penalty. One is an Operating
12 Permit that was eligible at the last Board meeting and the fees were waived because they promised
13 to pay, but they did not, so a \$250 Civil Penalty is being recommended. The other is an Exclusion

14 Certificate (EC) that is late. As with the other ECs that have previously been presented, it was
15 requested the fee be waived.

16
17 Buchner said items numbers 13 and 17 have the word “collect” listed in bold, both are being sent to
18 collections. Number 13 is a Civil Penalty that has not been paid, and for number 17 both the renewal
19 fee and Civil Penalty have not been paid. Buchner will be working with the Business Office to get
20 setup to enter these in the online Department of Revenue system. MLRR would like to request
21 approval to move forward with the Civil Penalties as presented.

22
23 Ashford asked what the trigger is before they are sent to collections. Buchner explained they have 10
24 days to pay after the Final Order. Lewis added there are two triggers, the Agency waits 2 months
25 from when the payment was first due before Civil Penalties are brought up, then another waiting
26 period from when the Civil Penalty was due.

27
28 Chair Maffei asked at what point do they revoke the permit. Buchner said she is looking into the
29 process with DOJ.

30
31 **Board Action: Ashford moved to approve the Civil Penalty for Number 22, OP-0205. Kozlowski**
32 **seconded. Motion carried.**

33
34
35 Buchner provided an update on the Civil Penalty case for Mining Without a Permit (MWOP) that is
36 currently in process. It had been referred to the Office of Administrative Hearings (OAH) and a
37 hearing has been scheduled for June 29-July 1, 2021.

38
39 Buchner stated the case being introduced is the next potential Mining Without a Permit Civil Penalty
40 site. This site has an Operating Permit, but they have violated their Operating Permit by mining on
41 land that is owned by the Oregon Department of Forestry (ODF). She shared with the Board a picture
42 containing lines reflecting the boundaries of the property of the land owned by the permittee, the
43 land owned by the Oregon Department of Forestry, and the location of a salmon-bearing stream.
44 She explained the ridge crest had overburden piled on top of it that failed and slid into the creek in
45 multiple places causing damage. Buchner said not only is there environmental harm and trespass
46 onto Oregon Department of Forestry land, but the undermining of the high wall adjacent to the land
47 caused ODF property to slide into the pit and all the material that went into the pit was sold into
48 market. The excavation area is surrounded by marbled murrelet nesting habitat. The permittee is
49 also one of the habitually non-responsive and chronic late payers. Buchner told the Board she
50 wanted to provide them a preview of what MLRR is working on and what they will likely see at the
51 next meeting with more information to be presented.

52
53 Chair Maffei said with the last Mining Without a Permit case, the Board was provided with a fair
54 amount of information about the steps staff had taken to work with the operation to try and help it
55 come into compliance. She asked if staff have done the same thing with this operation. Buchner
56 answered yes, this operation has been challenging since about 2008. The current operator took over
57 in 2010. In 2016 he was required to submit an amendment application for his Operating Permit
58 because he had expanded outside what was approved, which was a Limited Exemption (LE) footprint.
59 Buchner stated when staff received the application and the map, they overlaid them on aerial
60 imagery and it was clear that the operator had already mined outside of the area that he had

61 proposed, and when they looked at the property information, they discovered he was on ODF land.
62 They have been working with him since 2016 to get this into resolution.

63
64 Ashford asked regarding mining on ODF land, what took place, when they became aware of it, and if
65 that part of the operation ceased. Buchner said a Suspension Order was issued and the operator is
66 not allowed to operate in that section of ODF land but was allowed to operate on his own property.
67 Due to recent developments, another Suspension Order was issued, and he is currently not allowed
68 to operate at all until there is resolution on this issue. Bucher said the Oregon Department of
69 Forestry is very involved in this whole process of trying to get resolution. One interesting challenge
70 at this site is not only is it near marbled murrelet habitat, which limits what activities can be done,
71 the Department of State Lands (DSL) owns the minerals, and the Department of Forestry manages
72 the land for the trees. MLRR has had to loop in DSL and the permittee has had to reimburse DSL for
73 all the minerals sold into market. The permittee is working with ODF to minimize further impact to
74 their property, and he is also trying to seek a lease for an additional five acres through DSL.

75
76 Ashford asked if all the concerns raised fall under Mining Without a Permit and if there are any
77 related criminal penalties. Buchner said the operator is in violation with several agencies, but as far
78 as MLRR is concerned, he is in violation for mining on land that he did not have authority to mine on.
79 The operator has to resolve their legal issues with ODF but also has to resolve the issues with MLRR.
80 Regarding the damage to the creek, the environmental harm is considered a mining related impact
81 because the material is in an area where it is not allowed to be, which constitutes Mining Without a
82 Permit. Ashford asked if it all falls under MLRR's lead and DOGAMI working with other agencies.
83 Buchner answered she thinks it does.

84
85 Lloyd added there has been extensive coordination with sister agencies regarding the specific
86 violation issues. For the mining violations and specific violations to DOGAMI statutes and rules, the
87 Agency has the authority to bring criminal penalties against a violator, which has not been done yet,
88 but the Agency might want to consider it in the future.

89
90 Ashford asked if the mining of state minerals is a separate agreement with State Lands where the
91 operator reimburses them for the cost of the materials. Lloyd said yes, both DSL and ODF have
92 private leases used in situations like this to ensure the State is reimbursed for resources that are
93 taken without authorization.

94
95 Chair Maffei asked where this site is located. Buchner replied near Garibaldi. Maffei asked if this was
96 just a presentation or asking for action. Buchner said it was just a heads up.

97
98 Lewis provided an overview of what the Civil Penalties program has achieved in just under 2 years
99 since first bringing them to the Board for consideration. She appreciates the conversations being had
100 around Civil Penalties. Lewis stated the program has successfully resolved the late payment of
101 renewal fees. In the second year of implementation, there has only been one penalty in six months
102 and no repeat offenders from last year. This has had a positive impact of a reduction in workload for
103 administrative staff. The program has successfully implemented Civil Penalties for an egregious long-
104 standing Class 4 violation, in which they are awaiting the outcome of the hearing in the summer, and
105 it has a new Mining Without a Permit Civil Penalty for the Board to consider. Lewis said as Civil
106 Penalties become better understood by the regulated community and the community at large, they
107 may also see a deterrent effect with other violations, similar to the reduction of late payment of
108 renewal fees.

109
110 The program has been making incremental and continuous improvements in regulatory consistency
111 and efficiency over the last 2-3 years, which includes standardizing permit review and processing,
112 developing a database capable of tracking these violations, and constructing a systematic approach
113 to compliance beyond just Civil Penalties. This is allowing the program to more confidently scope the
114 universe of violations that might be out there.

115
116 Lewis reviewed the number of violations/compliance actions they have identified so far (90), and
117 stated as of February 2021, the potential surface mining violations in Oregon are over 800 for
118 permitted and non-permitted sites. Staff are only able to handle a few of these at a time, due to the
119 increased workload to address a violation. She reviewed the potential MWOP sites, which are about
120 147 sites. MLRR is now receiving external inquiries as to how action is or is not being taken on
121 specific sites. Lewis is asking for Board guidance on what should be focused on for future compliance
122 actions and Civil Penalties.

123
124 Chair Maffei said what the Board has heard from folks is a desire not to have MLRR be a Civil Penalty
125 generating part of the Agency, but help people come into compliance and not automatically have
126 Civil Penalties levied against them. After seeing the more egregious cases and ones that are not
127 following the procedures, Maffei said they should be held accountable. She feels the regulated
128 community who are paying their fees, would appreciate knowing the ones not following the rules will
129 get push back from the Agency, but it is a fine line to walk. Maffei said she thinks at some point the
130 minor fees of \$250.00 should not need to come to the Board, over the next several meetings they
131 need to get something setup to allow the Board to focus on the bigger issues.

132
133 Kozlowski agreed the smaller fees should be able to be handled directly by staff. MLRR has done a
134 great job of creating a process they follow that was approved by the Board. As a non-industry
135 member, she is appalled at the number of egregious issues that have surfaced for MWOP and the
136 damage being done to the environment, an issue that is significant. She strongly encourages
137 discussion with the legislature/legislators to ask what their solution to this would be. She thinks
138 being helpful to the people following the rules, giving them options, and extending it to be supportive
139 is a wonderful thing to do and also the role of DOGAMI, but there is a point at which decisions need
140 to be made that are more expedient and rapid in terms of penalties; maybe the possibility of
141 partnering with another agency is an option. She is personally very uncomfortable with the amount
142 of issues that have surfaced and thinks something needs to be done about it and not over the next 5
143 years.

144
145 Chair Maffei said MLRR is a fee-based program and it needs to have the stakeholders buy in on that
146 because they are paying for it. The Agency needs to make it a point of view to where it is leveling the
147 playing field, so those paying their fees are not being undermined by those who are mining for free.
148 She said there was a lot of public comment about not wanting DOGAMI to go into DEQ, so she does
149 not personally think partnering with DEQ is the answer, nor does she think asking to hire three more
150 people as investigators and enforcers will be the right way to go either.

151
152 Ashford commended Lewis on her leadership and the work she has done with the program. She has
153 done a great job of bringing back the customer service and focus on the Civil Penalties. He is
154 concerned about the data that was shared and the Agency needs to address the complaints being
155 made. He suggested getting input from the stakeholders as to what the focus should be going
156 forward. Ashford said maybe the focus should be on the most environmentally damaging and

157 egregious violations and making the biggest impact the Agency can. He wondered if MLRR has to
158 visit a site or if the Agency can just use aerial imagery to start a process.

159
160 Chair Maffei agreed that getting stakeholder input is critical but is not sure how to make it happen.
161 Kozlowski also agreed about getting stakeholder input and suggested getting Katie Jeremiah's input,
162 as she might be able to help determine the next step since she is a regulated member. A question
163 was asked about whether Jeremiah is still a Board member. Director Avy confirmed that even though
164 she did not submit a renewal, Jeremiah is still a Board member as long as she is willing to continue
165 until the position is filled. Avy also suggested gathering industry stakeholder input as part of the
166 upcoming Strategic Plan development.

167
168 Ashford asked Lewis what the percentage of the potential violations is compared to the total volume
169 of mining done in the state. Lewis said there are probably multiple violations at one site related to
170 the 800 potential violations, and about 25% of the sites are MWOP. He thanked Lewis for her great
171 work and said he was impressed with her leadership on this.

172
173 Teeman agreed with the other Board members about getting stakeholder input and said the Agency
174 should appreciate the ones that are following the rules and in compliance, but she does not know
175 what the Agency owes the ones who have chosen not to engage DOGAMI at all. Her primary concern
176 in addition to environmental, is cultural and the sites that might be being damaged and asked if the
177 Agency works with the State Historic Preservation Office (SHPO). Lewis said yes, the applications are
178 circulated to SHPO as part of the process. She did not know what the current protocol is for the ones
179 that are not permitted. Buchner declared it was a brilliant idea to bring them (SHPO/THPO) into the
180 loop on the unpermitted sites. Buchner said MLRR provides the inadvertent discovery plan even with
181 the Exclusion Certificates as part of the issuance packet. Maffei thanked Teeman for the input and
182 stated that she is welcome to give a presentation in the future.

183
184 **5) Financial Report:**

185 Steve Dahlberg, Chief Financial Officer, presented the DOGAMI FY2021 Budget Status Report, as of
186 January 31, 2021, for the Geological Survey and Services (GS&S) and Mineral Land Regulation &
187 Reclamation (MLRR) programs.

188
189 Dahlberg said he stepped in as Interim Chief Financial Officer (CFO) on December 1, 2020 and
190 became the permanent CFO effective January 2021.

191
192 Dahlberg said the information provided in the Board Packet represents actuals through the end of
193 January 31, 2021, and projections are from February to the end of the biennium, which is June 2021.
194 He stated DOGAMI will be under budget at the end of the biennium. General Fund is projected to be
195 under budget by \$800,049, mostly due to: constant monitoring of expenses; vacancy savings;
196 Personnel Services projection realignment; staff working on more grants than originally planned;
197 better than expected results from the lidar program; and holding back on other expenditures. The
198 Agency plans to collaborate with DAS to return the \$300,000 in vacancy savings since DOGAMI has
199 been over budget in the past. Dahlberg said the remaining \$500,000 was a result of: digging deeper;
200 continuous updating of projections; receiving \$150,000 from MLRR for indirects; \$100,00 higher
201 amount of indirects coming from Other Funds and Federal Funds compared to last year; \$112,000
202 from lidar that is over and above covering all direct lidar staff expenses which is then contributing to

203 Agency overhead; \$68,000 worth of Services and Supplies savings; and being reimbursed \$70,000 for
204 COVID related expenses.

205
206 Dahlberg said DOGAMI had a first-year budget of \$2.5 million and second-year budget of almost \$2.9
207 million, for a total biennium budget of \$5.4 million. Earlier indications were that the General Fund
208 was projected to be over budget, so management took several steps to realign the expenses, which
209 included: a mid-year layoff; having personnel focus more on grant work; curtailing Services and
210 Supplies expenses to only the absolute minimum necessary items; cutting travel and training; and
211 holding back other expenditures.

212
213 The December Board Packet showed the General Fund to be approximately \$230,000 under budget.
214 The Agency has since focused deeper on projections. There has been a substantial increase in
215 invoicing for multiple lidar projects of approximately \$1.4 million, which was higher than expected.
216 This goes beyond covering the direct staff costs to include the overhead/indirect costs. Staff have
217 been continually working on projects to minimize the General Fund impact. Even with the current
218 projections, the Agency is closely monitoring expenses and revising projections to ensure it stays
219 under budget. However, the Agency does need to meet some of the demands that have been held
220 off on. Management will work with DAS and LFO to consider what critical expenditures are necessary
221 to meet these needs of the Agency and maintain essential agency functions.

222
223 Dahlberg said Other Funds are projected to be under budget by \$235,751 and Federal Funds are
224 projected to be underbudget by \$185,000, which is primarily due to greater grant management
225 diligence, staff production, and the lidar program. The revenue projections for lidar are expected to
226 be nearly \$2.3 million at the end of the biennium, due to some large projects including Metro, South
227 Coast, and Upper John Day. Dahlberg gave credit to Jake Edwards, Oregon Lidar Consortium
228 Coordinator, for doing an amazing job pulling these large projects together. The revenues at this
229 level cover all the direct costs, staff costs, and contributes much more to the Agency's overhead. He
230 said to continue the success of the Oregon Lidar Consortium, it takes a lot of work and time to
231 engage potential customers and secure contracts for the projects. To be successful there must be
232 ongoing efforts to keep projects in the queue, and if not, there is the potential of lean years such as
233 FY 2019, with revenues of only \$389,000 and FY 2020 with \$623,000.

234
235 MLRR's projected ending balance of \$496,076, is due to careful monitoring, watching expenses, and
236 the fee increase that was implemented January 1, 2021. The 15.51% for indirects, which benefits the
237 General Fund, has been applied/posted for the first and second quarters and will be posted on a
238 monthly basis going forward. The fee increase is intended to cover normal operating expenses, but
239 also grow the cash balance over time.

240
241 The Strong Motion Instrument Fund has an ending balance of \$242,722. There was a payment of
242 \$245,424 to the University of Oregon for twenty sensors to be installed at sixteen different locations.
243 There are 58 Cash Securities in the Reclamation Guarantee Fund for an ending balance of \$661,033.

244
245 For the Business Office, all the grant financial reporting is current, the internal grant financial reports
246 are updated monthly, and there are ongoing monthly meetings with project managers to review the
247 financial status and expected activity for grants. The Grant Tracker Tool was recently updated to
248 include a new report that captures both actual hours and costs. The Business Office staff have been
249 working well together internally, with DOGAMI staff, DAS, and external customers.

250

251 Dahlberg introduced and explained a new set of reports to the Board members. Three are for GS&S
252 and one is for MLRR. He stated the budget shows a full biennium using a straight-line methodology.
253 Dahlberg said the Agency had been over budget several times throughout the year and changes were
254 made to bring the expenses back down. Management will continue to look at the projections, assess
255 Agency needs, and make adjustments in the last quarter to close the gap.
256

257 Dahlberg discussed the authority to spend for Federal Funds and Other Funds. He said it is not a hard
258 budget like with General Fund, but having a larger authority gives the Agency the ability and flexibility
259 to increase the Other Funds workload, because then there are revenues to pay for the work
260 completed. He explained the work is incurred by staff, which is then followed by invoicing and
261 draws.
262

263 MLRR's authority to spend is based on the fee revenue and permit revenue that is collected, the
264 revenues pay for the staff and expenses. There is no General Fund provided in the MLRR budget.
265

266 Chair Maffei said she does not remember ever being in a DOGAMI Board meeting where the Agency
267 is projected to be \$800,000 under budget for General Fund. She asked what could happen between
268 now and the end of June that could undermine the projection. Dahlberg said if staff start working on
269 General Fund projects or activities, it will reduce that amount and the amount of indirects the Agency
270 receives for a double hit. Kozlowski asked for an example. Dahlberg explained if there is another
271 natural disaster event that requires staff's help and could not be charged to working on a project, it
272 would be General Fund funded work. In the past, the lidar revenue has been small and staff have
273 been funded by General Fund, this year's high level of projects have made an unprecedented impact
274 to this year's budget and needs to be maintained to keep the revenues up to support the staff.
275

276 Avy stated the highest priority is being under budget; however, the Agency has been holding back on
277 buying needed IT equipment and will work with DAS and LFO to determine what can be spent.
278 DOGAMI will also want to look for a facilitator to work on the 6-Year Strategic Plan and an
279 organizational consultant to bolster internal management and staff operations. The Agency will want
280 to be cautious about the projections being accurate and how close it wants to get at the end. Avy
281 said it may be a good thing to consider having discussions with LFO and DAS about returning some of
282 the excess amount, in consideration of having gone over budget in the past. Avy emphasized the
283 Agency will not consider doing anything that will jeopardize the ability to be under budget.
284 Chair Maffei asked if there is a way to have a carryover, so the Agency does not automatically start
285 off in the hole because of the way the federal grants are paid. Avy said unfortunately General Fund
286 does not cross over to the next biennium, but Federal Funds and Other Funds can cross over. For
287 example, this is how MLRR is able to build up a fund balance. Avy stated if the current proposed
288 budget scenario goes through, it will be a more feasible approach to manage federal grants.
289

290 Kozlowski said she believes what is being seen is the proactive nature of DOGAMI staff, in terms of
291 funding. She said Dahlberg did a great job in his presentation today and it was great information.
292 She remains seriously concerned that the long-term effect of the response does not take into
293 consideration the future of and needs of DOGAMI that are important. She is hopeful staff can be
294 added in positions that are particularly of importance to the coastal region. She is pleased with the
295 reporting and monitoring but remains concerned the Agency is becoming pennywise and pound
296 foolish. She hopes the management team can be creative as possible to stay within the rules but
297 have adequate staff and adequate supplies. What the Agency went through this last year was very
298 appropriate, important, and it did a good job, which the results are being seen now. She wants to

299 keep an eye on the future and is strongly in favor of the strategic planning process at the end of the
300 year. She believes everyone can work together to make DOGAMI successful in the future and
301 applauds the staff. She hopes the Agency can be proactive and creative as it moves into the future.
302

303 Chair Maffei said that will be part of the strategic plan and part of the ask to the legislature going
304 forward, as far as funding positions that are needed to fulfill it. She asked what caused the dip in the
305 redline in the actuals between November and December. Dahlberg answered that part was
306 implementing the indirect from MLRR for the first two quarters of the year, and large invoicing for
307 lidar work, which generated more indirect and reduced the cost to General Fund.
308

309 Board Action: **Kozlowski moved to accept the Budget Status Report as presented. Maffei**
310 **seconded. Motion carried.**
311

312 **6) Legislative Update:**

313 Bob Houston, GS&S Program Manager and Legislative Coordinator, provided a Legislative update for
314 DOGAMI.
315

316 Houston shared that the Agency's budget presentation to the Joint Committee on Ways and Means
317 Subcommittee on Natural Resources was held on February 1st, and the Public Testimony hearing on
318 February 3rd, which had a tremendous amount of unprecedented testimony in support of the
319 Agency. On March 8th there was a Work Session on the bill (HB 5010) and was subsequently passed
320 out of the subcommittee and moved to Full Joint Committee on Ways and Means for consideration.
321 The Agency is anticipating it to be scheduled in the Full Joint Committee on Ways and Means as early
322 as March 19th. The proposed budget: maintains DOGAMI as an independent agency; maintains
323 current staffing levels; eliminates the five vacant positions and shifts General Fund funding to the
324 filled technical staff positions, which raises the General Fund split to 25% for NRS 2 staff and 70% for
325 NRS 4 staff positions allowing them to develop grant proposals. The direction from the legislature is
326 the Agency needs to pursue grants to its greatest extent. The fund split allows the Agency to go after
327 more grants, potentially including those requiring matching funds. The LFO Budget Note includes
328 determining the feasibility for MLRR to partner with DEQ on the ePermitting system, reclassifying an
329 ISS 4 position to an ISS 5, and extending the Chemical Process Mining Coordinator limited duration,
330 part-time position. For passage, the proposed budget will still need to go to the floor in both the
331 House and Senate, and then be signed by the Governor.
332

333 Chair Maffei said it looks like DOGAMI will remain an agency at this point in time and asked for
334 verification about not losing any positions. Houston said the Agency will not lose any currently filled
335 positions, the five positions being eliminated are currently vacant, which are two NRS 4, two NRS 2,
336 and an Office Specialist.
337

338 Briefing: **No Board Action Required.**
339

340 **7) Erosion Threat Assessment and Reduction Team (ETART) Presentation:**

341 Bill Burns, Engineering Geologist, Natural Hazards Section, gave a presentation on his time spent on
342 the Erosion Threat Assessment and Reduction Team (ETART), related to the September wildfires.
343

344 Burns stated the National Landslide Preparedness Act was signed into law by the President on
345 January 5, 2021. The result of this is the National Landslide Hazards Reduction Program (NLHRP).
346 There are currently similar programs for earthquakes, tsunamis, and geologic mapping (STATEMAP).
347

348 Channelized Debris Flows (CDFs) are common in Western Oregon with 10-1,000s per year and have
349 been studied a lot, but post fire ones are poorly understood. They are now finally getting attention
350 and research.

351
352 The Burned Area Emergency Response (BAER) team does federal forest lands only. Their first priority
353 is rapid assessment and recommendations to prevent further damage and losses. BAER team
354 specialists consist of hydrologists, geologists, engineers, and biologists.

355
356 The Erosion Threat Assessment and Reduction Team (ETART) was formed following a request made
357 by the State of Oregon to FEMA and is the first time for Oregon. It usually takes BAER 2 weeks to
358 assess one medium size fire. ETART completed five large fires in 3 weeks. Rapid assessment of
359 debris flow hazard and critical values/assets were performed. Burns said there were 10 subgroups
360 and he worked on the geohazards team. They completed four reports and did community briefings.

361
362 Josh Roering of the University of Oregon proposed a team to Geotechnical Extreme Events
363 Reconnaissance (GEER) and was able to get the first GEER project in Oregon. The typical GEER
364 projects have been the Oso Landslide and Japan Subduction Zone Earthquake/Tsunami. The goal of
365 GEER is to get out as soon as possible and collect initial data and share.

366
367 Burns discussed the initial observations of the 2020 Wildfire areas of Riverside, Beachie-Lionshead,
368 Holiday, and Archie. The hillslope process appears to have shifted into overdrive! The
369 colluvium/debris is moving down the slopes into the channels. Debris flows/flash floods flush the
370 material down the channels into larger streams. The streams are conveyor belts moving the material
371 to the rivers, lakes, and ocean. Nothing is holding it back. There is no forest litter, surface vegetation
372 or A-Horizon to protect from erosion. Trees are going to rot in the next 3-15 years, then root
373 strength loss and pit/mound processes will occur, causing the Factor of Safety to drop. They are not
374 sure, but maybe fire accelerates the existing debris flow process in Western Oregon for a decade or
375 two.

376
377 There were three storms during the 2020-21 winter, November 2020, December 2020, and an
378 Atmospheric River in January 2021. So far, no big debris flows in the fire areas, only some flash
379 flood/erosion and small debris flow deposits. The 2017 Eagle Creek fire had a dozen big debris flows
380 and triggered a devastating landslide this year that caused a fatality. The rainfall needed to trigger
381 significant debris flows is 4-6" in 24 hours. The Atmospheric River came in with a 1-2 punch with 3-5"
382 in 24 hours.

383
384 Grant proposals totaling \$1.2 million have been submitted to try and get a handle on debris flows.
385 They include: ODOT Research for \$300,000 (\$100,000/year for 3 years) focused on establishing
386 frequency/magnitude for debris flows, Stage 1 Concept has been submitted; FEMA CTP for \$660,000
387 focused on debris flow susceptibility modeling, risk, and risk reduction (with DLCD) for the Eagle
388 Creek (Gorge), Beachie-Lionshead (Santiam), Holiday (McKenzie), and Archie (North Umpqua) areas,
389 and \$100,000 for lidar in Eagle Creek to analyze channelized debris flows, concept has been
390 submitted; and USGS Landslide Program for \$100,000 for data collection in fire areas after storms by

391 the Post-Fire Debris Flow Team, \$50,000 has already been award and a proposal for \$50,000 has
392 been submitted. This work will keep the DOGAMI Landslide Program busy if awarded.

393
394 Chair Maffei said it was super interesting and it helps as a Board member to see these presentations.
395 Burns said DOGAMI is working with USGS and university professors to work on these projects.
396 Kozlowski said the presentation was outstanding, she asked what might be some mitigation
397 responses or outcomes from the information gathered. Burns said there is one that includes the new
398 mapping and modeling, and obviously understanding where these might happen in the future is
399 critical. He said he and Nancy Calhoun go out after storms collecting data to see if any debris flows
400 have occurred or not, and they are also collecting data on rainfall. The USGS collects all that data so
401 they can better establish how much rain does it take in a particular area to cause a debris flow. Burns
402 said ODOT has asked when they should close roads, so determining a threshold will be significant.

403
404 Kozlowski asked if they would go back out to study these areas post fire for 2-3 years to see how
405 good their predictability was. Burns said yes, they will collect data for multiple years and winter
406 seasons. The data is then provided to the USGS who run and re-run statistics to recalibrate their
407 models for rainfall amounts in Western Oregon. There may be the ability to have a warning system
408 and tied to that are the proposed maps that show the areas they are concerned about during those
409 time periods, which is the end goal. Kozlowski said he and Nancy have done an incredible job.

410
411 Chair Maffei stated this once again demonstrates the value of having DOGAMI staff work on these
412 projects.

413
414 Briefing: **No Board Action Required.**

415
416 **8) MLRR Update:**

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

418
419 Please note, included in this packet is the ENGAGe Winter 2021 Edition newsletter being sent out and
420 can also be found online: <https://www.oregongeology.org/mlrr/engage.htm>

421
422 Permit Status Summary

423 Lewis stated there are no significant changes in numbers, with the exception of Operating Permits.
424 There has been an increase in new permit and amendment applications which take about 6 months
425 to complete; typically transfers take a few weeks. She believes one reason for this increase is these
426 seem to be related to the Mining Without a Permit compliance issue. As compliance actions move
427 forward, it will affect staff workload. Other possible reasons for the increase may be strong activity
428 in the construction industry, or the fee increase that went into effect January 1, 2021. The program
429 has had a 50% increase in applications with no additional staff to work on them, so this will affect
430 processing times, which staff brought to her attention. Staff are being proactive and adding
431 statements to emails, the website, and in the next newsletter stating applications are processed in
432 the order in which they are received. The staff will also do an administrative review up front to
433 return applications that are not complete so technical staff do not spend too much time reviewing
434 those in the early stages. Chair Maffei asked for clarification on the orange/rust-colored diamonds.
435 Lewis said those are the total active applications; there are currently 48.

436

437 With regards to the compliance numbers, the program has been able to resolve twelve identified
438 violations for Mining Without a Permit. Lewis said the first step of the compliance program is
439 reaching out to identify and work with the applicant or permittee on meeting the requirements. The
440 Civil Penalties are being reserved only for those where other tools are not effective.

441
442 The Winter 2021 newsletter contains information on the fee increase that went into effect January 1,
443 2021 and most renewals coming in are for the correct amounts. Staff do expect to see some site
444 closures this year due to the increased fees.

445
446 Lewis said in the Legislative Budget Note, DOGAMI is directed to work with DEQ on scoping whether
447 MLRR can use the EMS Electronic Data Management system for ePermitting. Preliminary estimates
448 show it will be less expensive.

449
450 Rule Making Update

451 Lewis stated the rules for High Value Farmland and aggregate mining, will be formally filed with the
452 Secretary of State's office the beginning of April and available for public comments. An update will
453 be provided in June/July as they move forward.

454
455 Lewis said existing rules for Civil Penalties are minimal and do not provide direction for the questions
456 being explored right now. It may be one option the Board considers for moving forward with MLRR's
457 implementation of Civil Penalties. The rulemaking process has a stakeholder/interested group phase,
458 where the rules are discussed, and a public comment period.

459
460 Grassy Mountain Update

461 Lewis said regarding Grassy Mountain, the pace of the project has picked up. In February DOGAMI
462 convened the first technical review team since last February. They approved a revised Baseline Data
463 Report submitted by the applicant in November. The applicant plans to submit additional reports
464 this spring, followed by a revised full application to DOGAMI no earlier than July 2021. All the
465 materials submitted in response to the request for additional information are made available for
466 public comment for two weeks on DOGAMI's website.

467
468 In December 2020, the Legislative Emergency Board (E-Board) approved a part-time limited duration
469 Chemical Process Mining Coordinator position dedicated to supporting this project, interviews are
470 scheduled to take place next week. The proposed amended budget bill extends the position through
471 the next biennium. Bob Brinkmann is the primary staff lead and Ian Madin has been providing
472 assistance.

473
474 Lewis said last week a quarterly meeting was held with Calico leadership, where Dahlberg attended
475 for the first time as CFO. The meeting notes reflect that the frequency and type of project
476 management communication is appropriate, transparent and provides sufficient information;
477 continued and positive interactions have built trust between DOGAMI and Calico; and both parties
478 agree to prioritize and maintain good communication with upcoming staffing transitions. They feel
479 there is a good system in place, and everyone is committed to ensuring it continues going forward
480 with new staff.

481
482 Kozlowski said excellent report and progress. Teeman thanked Lewis for the report.

483

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

485

486 **9) GS&S Update:**

487 Bob Houston, GS&S Program Manager and Legislative Coordinator, provided an update on the GS&S
488 Program.

489

490 Since December's update the program has released: seven new publications; two geologic maps in
491 the Harney County area and the Hood River County area; two natural hazard risk reports in Curry
492 County and Clatsop County; History of Oregon Landslide Warning Systems from 1997-2018, that
493 includes recommendations for improvements; two earthquake and tsunami impact analyses for
494 Tillamook County and Lincoln County. The average is 14 publications a year and in 2020 they
495 published 24, which is incredible considering everything that took place, including: rapid transition to
496 a work at home environment due to the pandemic; implementing new IT procedures; wildfires; ice
497 storms; and childcare issues. Staff have been focusing on projects to bring them in on time and
498 under budget. There have been two publications produced in 2021 and anticipate fourteen more to
499 come.

500

501 Staff have been developing additional grant opportunities coming up this spring for NOAA, FEMA,
502 and USGS. For the federal competitive grants, 10-day letters will need to be submitted to the
503 legislature for authorization to proceed in the April/May timeframe, with formal submittal of the
504 applications after that. The total of the grants being pursued is about \$2.5 million. There are two
505 lidar projects for over \$1 million, for which a large percentage is pass through.

506

507 Houston announced the reboot of a virtual lunchtime lecture series to bring staff together. These
508 have included presentations from outside professionals in different areas. Some upcoming talks
509 cover wildfire and debris flow hazards in Oregon; geologic mapping between Burns and John Day;
510 DOGAMI mapping efforts in the Harney Basin; and active faults on Mt. Hood. It is also open to MLRR
511 and Business Office staff to bring in experts to talk.

512

513 Chair Maffei asked if there has been good attendance. Houston said the average is about twenty
514 staff in attendance and has been really positive. Kozlowski said the Tillamook County report was
515 exceptional and they plan to take it out utilizing their emergency preparedness and emergency
516 response personnel; the information was awesome. Houston will share her sentiment with staff.

517

518 Teeman said she likes hearing about the lidar and seismic studies, especially ones that have been
519 taking place on the east side of the Cascades. Chair Maffei said the east side is where the Agency is
520 trying to fill gaps in on the coverage.

521

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

523

524 **10) Internal Communication Plan Survey:**

525 Sarah Lewis, MLRR Program Manager, provided a summary of the staff survey results on the
526 implementation of the DOGAMI Internal Communications Plan.

527

528 Lewis stated the Internal Communication Plan was implemented in March 2020 and revised in July
529 2020 by leadership. The survey was prepared to solicit feedback from staff. It was open for two
530 weeks in late January and early February 2021 and was sent out agencywide to 28 potential

531 participants. There were 19 responses, which is a 68% response rate, with 8 from GS&S, 10 from
532 MLRR, and 1 from Operations, which could either be Administrative or IT. The program specific
533 survey results do not show the one response from Operations. All questions were answered by the
534 respondents, and for the sample size, 5.25% represents one response. Lewis said the responses are
535 quite different by program, which is informative for how the Agency moves ahead. She proceeded
536 through the results with the Board, stating generally 64% think communications have improved since
537 communication plan implementation.

538
539 Lewis said the next step is to take it up in leadership meetings to determine next steps. She stated
540 GS&S has already started to implement some changes with additional meetings and opportunities,
541 including the science seminars to interact with colleagues.

542
543 Kozlowski said it looks like it is a good communication tool and she is interested in what the
544 strategies will be to improve these after leadership looks at it. She said it will be nice to get back to
545 normal and in person meetings and these types of meetings will be a choice and not a requirement.

546
547 Chair Maffei said the take-a-ways are positive considering what has taken place over the last year.

548
549 **Briefing: No Board Action Required.**

550
551 **11) Director's Report:**

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

553
554 Update – Governor's Recommended Budget (GRB)

555 Avy said at the last Board meeting he expressed concerns about staff retention and grant funder
556 confidence. The Agency has already seen an example of decreased grant funder confidence with
557 USGS pulling out of a lidar grant due to the uncertainty of the Agency. He said the sooner DOGAMI
558 has a budget the better it will be. The potential timeline for the current proposed budget is 3-4
559 weeks at best for a Governor's signature. The amended budget, even though it looks promising, is
560 not a certainty until the Governor signs it. He does not want anyone to take it for granted.

561
562 Permanent Chief Financial Officer – Introduction

563 Avy introduced Steve Dahlberg as the new Chief Financial Officer. Dahlberg has been with DOGAMI
564 for a year and was able to assume the role of an interim and now permanent CFO. Avy feels very
565 fortunate that Dahlberg was willing to take on the CFO responsibilities. Dahlberg has a bachelor's
566 degree in Accounting and Business Management from Whitworth College; Project Management
567 Mastery certification; Certified Public Funds Investment Manager accreditation; and is a Microsoft
568 User Specialist with expertise in Excel and Access. His prior experience includes 20 years with Clark
569 County in Washington, the first 3 years as Senior Accountant and 13 years as Treasury System
570 Coordinator in the Treasurer's Office, and 4 years as a Senior Financial Analyst in the Technology
571 Services arena. Dahlberg has private sector experience with 8 years as a Corporate Management
572 Accountant with ESCO Corporation in Portland; 1 year as a Fiscal Analyst with ATLAS Telecom; and 1
573 year as a Senior Financial Analyst with Card Capture Services. He also has expertise in developing
574 databases.

575
576 DOGAMI – Next Steps

577 Avy stated it seems that things have taken a positive turn for DOGAMI and having a final budget is
578 still the priority. The 6-Year Strategic Planning effort needs to be completed by January 2022. He is
579 hopeful a facilitator can be brought in to help as well as an organizational consultant with an outside
580 perspective to provide guidance for operations. The Agency will be working closely with DAS and LFO
581 to close out the biennium under budget.
582

583 Chair Maffei asked what the process is for the Strategic Plan. If there is budget left, to hire an outside
584 consultant, how soon will DOGAMI know if it can move forward with starting the work. Avy
585 answered it would have to start in 3-4 weeks and before the end of the biennium to keep it in the
586 current budget. The Agency will want to engage stakeholders for input, including the mining industry
587 regarding compliance under the MLRR program. He wants to get started as quickly as possible but
588 ensure a comprehensive outcome. Maffei said MLRR should be part of the strategic planning
589 because the extra permits will need to be a focus, and stakeholder engagement will help in pointing
590 the program in the direction it should go. Both Avy and Maffei agreed it is important to have the
591 discussion with DAS and LFO to obtain approval to spend the money to get started.
592

593 Briefing: **No Board Action Required.**
594

595 **12) Confirm Time and Date for Next Meeting:**

596 Chair Maffei stated the next DOGAMI Board meeting is currently scheduled for Friday, June 25, 2021
597 at 8:30 a.m. – 1:00 p.m. in Portland or via Zoom. She confirmed this date is still acceptable for the
598 Board.
599

600 **13) Public Comment:**

601 Only written comments received prior to or by 11:50 a.m. on the day of the meeting will be accepted.
602 Chair Maffei asked for any written public comments. No public comments.
603

604 **14) Board Adjourn:**

605 Chair Maffei adjourned the meeting at 11:37 a.m.
606

607 APPROVED
608

609 
610 _____
611 Laura Maffei, Chair
612