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)

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

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

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

Ashford seconded. Motion carried.

4) **Civil Penalties:**

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

Buchner said there were two sites eligible for a renewal late fee Civil Penalty. One is an Operating Permit that was eligible at the last Board meeting and the fees were waived because they promised to pay, but they did not, so a $250 Civil Penalty is being recommended. The other is an Exclusion...
Certificate (EC) that is late. As with the other ECs that have previously been presented, it was requested the fee be waived.

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

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

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

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

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

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

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

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

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

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

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

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

Lewis provided an overview of what the Civil Penalties program has achieved in just under 2 years since first bringing them to the Board for consideration. She appreciates the conversations being had around Civil Penalties. Lewis stated the program has successfully resolved the late payment of renewal fees. In the second year of implementation, there has only been one penalty in six months and no repeat offenders from last year. This has had a positive impact of a reduction in workload for administrative staff. The program has successfully implemented Civil Penalties for an egregious long-standing Class 4 violation, in which they are awaiting the outcome of the hearing in the summer, and it has a new Mining Without a Permit Civil Penalty for the Board to consider. Lewis said as Civil Penalties become better understood by the regulated community and the community at large, they may also see a deterrent effect with other violations, similar to the reduction of late payment of renewal fees.
The program has been making incremental and continuous improvements in regulatory consistency and efficiency over the last 2-3 years, which includes standardizing permit review and processing, developing a database capable of tracking these violations, and constructing a systematic approach to compliance beyond just Civil Penalties. This is allowing the program to more confidently scope the universe of violations that might be out there.

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

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

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

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

Ashford commended Lewis on her leadership and the work she has done with the program. She has done a great job of bringing back the customer service and focus on the Civil Penalties. He is concerned about the data that was shared and the Agency needs to address the complaints being made. He suggested getting input from the stakeholders as to what the focus should be going forward. Ashford said maybe the focus should be on the most environmentally damaging and
egregious violations and making the biggest impact the Agency can. He wondered if MLRR has to
visit a site or if the Agency can just use aerial imagery to start a process.

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

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

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

5) Financial Report:

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

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

Dahlberg said the information provided in the Board Packet represents actuals through the end of
January 31, 2021, and projections are from February to the end of the biennium, which is June 2021.
He stated DOGAMI will be under budget at the end of the biennium. General Fund is projected to be
under budget by $800,049, mostly due to: constant monitoring of expenses; vacancy savings;
Personnel Services projection realignment; staff working on more grants than originally planned;
better than expected results from the lidar program; and holding back on other expenditures. The
Agency plans to collaborate with DAS to return the $300,000 in vacancy savings since DOGAMI has
been over budget in the past. Dahlberg said the remaining $500,000 was a result of: digging deeper;
continuous updating of projections; receiving $150,000 from MLRR for indirects; $100,00 higher
amount of indirects coming from Other Funds and Federal Funds compared to last year; $112,000
from lidar that is over and above covering all direct lidar staff expenses which is then contributing to
Agency overhead; $68,000 worth of Services and Supplies savings; and being reimbursed $70,000 for COVID related expenses.

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

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

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

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

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

For the Business Office, all the grant financial reporting is current, the internal grant financial reports are updated monthly, and there are ongoing monthly meetings with project managers to review the financial status and expected activity for grants. The Grant Tracker Tool was recently updated to include a new report that captures both actual hours and costs. The Business Office staff have been working well together internally, with DOGAMI staff, DAS, and external customers.
Dahlberg introduced and explained a new set of reports to the Board members. Three are for GS&S and one is for MLRR. He stated the budget shows a full biennium using a straight-line methodology. Dahlberg said the Agency had been over budget several times throughout the year and changes were made to bring the expenses back down. Management will continue to look at the projections, assess Agency needs, and make adjustments in the last quarter to close the gap.

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

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

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

Avy stated the highest priority is being under budget; however, the Agency has been holding back on buying needed IT equipment and will work with DAS and LFO to determine what can be spent. DOGAMI will also want to look for a facilitator to work on the 6-Year Strategic Plan and an organizational consultant to bolster internal management and staff operations. The Agency will want to be cautious about the projections being accurate and how close it wants to get at the end. Avy said it may be a good thing to consider having discussions with LFO and DAS about returning some of the excess amount, in consideration of having gone over budget in the past. Avy emphasized the Agency will not consider doing anything that will jeopardize the ability to be under budget.

Chair Maffei asked if there is a way to have a carryover, so the Agency does not automatically start off in the hole because of the way the federal grants are paid. Avy said unfortunately General Fund does not cross over to the next biennium, but Federal Funds and Other Funds can cross over. For example, this is how MLRR is able to build up a fund balance. Avy stated if the current proposed budget scenario goes through, it will be a more feasible approach to manage federal grants.

Kozlowski said she believes what is being seen is the proactive nature of DOGAMI staff, in terms of funding. She said Dahlberg did a great job in his presentation today and it was great information. She remains seriously concerned that the long-term effect of the response does not take into consideration the future of and needs of DOGAMI that are important. She is hopeful staff can be added in positions that are particularly of importance to the coastal region. She is pleased with the reporting and monitoring but remains concerned the Agency is becoming pennywise and pound foolish. She hopes the management team can be creative as possible to stay within the rules but have adequate staff and adequate supplies. What the Agency went through this last year was very appropriate, important, and it did a good job, which the results are being seen now. She wants to
keep an eye on the future and is strongly in favor of the strategic planning process at the end of the year. She believes everyone can work together to make DOGAMI successful in the future and applauds the staff. She hopes the Agency can be proactive and creative as it moves into the future.

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

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

6) **Legislative Update:**

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

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

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

**Briefing: No Board Action Required.**

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

Bill Burns, Engineering Geologist, Natural Hazards Section, gave a presentation on his time spent on the Erosion Threat Assessment and Reduction Team (ETART), related to the September wildfires.
Burns stated the National Landslide Preparedness Act was signed into law by the President on January 5, 2021. The result of this is the National Landslide Hazards Reduction Program (NLHRP). There are currently similar programs for earthquakes, tsunamis, and geologic mapping (STATEMAP).

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

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

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

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

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

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

Grant proposals totaling $1.2 million have been submitted to try and get a handle on debris flows. They include: ODOT Research for $300,000 ($100,000/year for 3 years) focused on establishing frequency/magnitude for debris flows, Stage 1 Concept has been submitted; FEMA CTP for $660,000 focused on debris flow susceptibility modeling, risk, and risk reduction (with DLCD) for the Eagle Creek (Gorge), Beachie-Lionshead (Santiam), Holiday (McKenzie), and Archie (North Umpqua) areas, and $100,000 for lidar in Eagle Creek to analyze channelized debris flows, concept has been submitted; and USGS Landslide Program for $100,000 for data collection in fire areas after storms by
the Post-Fire Debris Flow Team, $50,000 has already been awarded and a proposal for $50,000 has
been submitted. This work will keep the DOGAMI Landslide Program busy if awarded.

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

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

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

8) **MLRR Update:**

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

Please note, included in this packet is the ENGAGE Winter 2021 Edition newsletter being sent out and
can also be found online: [https://www.oregongeology.org/mlrr/engage.htm](https://www.oregongeology.org/mlrr/engage.htm)

**Permit Status Summary**

Lewis stated there are no significant changes in numbers, with the exception of Operating Permits.
There has been an increase in new permit and amendment applications which take about 6 months
to complete; typically transfers take a few weeks. She believes one reason for this increase is these
seem to be related to the Mining Without a Permit compliance issue. As compliance actions move
forward, it will affect staff workload. Other possible reasons for the increase may be strong activity
in the construction industry, or the fee increase that went into effect January 1, 2021. The program
has had a 50% increase in applications with no additional staff to work on them, so this will affect
processing times, which staff brought to her attention. Staff are being proactive and adding
statements to emails, the website, and in the next newsletter stating applications are processed in
the order in which they are received. The staff will also do an administrative review up front to
return applications that are not complete so technical staff do not spend too much time reviewing
those in the early stages. Chair Maffei asked for clarification on the orange/rust-colored diamonds.
Lewis said those are the total active applications; there are currently 48.
With regards to the compliance numbers, the program has been able to resolve twelve identified violations for Mining Without a Permit. Lewis said the first step of the compliance program is reaching out to identify and work with the applicant or permittee on meeting the requirements. The Civil Penalties are being reserved only for those where other tools are not effective.

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

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

Rule Making Update

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

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

Grassy Mountain Update

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

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

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

Kozlowski said excellent report and progress. Teeman thanked Lewis for the report.
Briefing: No Board Action Required.

9) GS&S Update:

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

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

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

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

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

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

Briefing: No Board Action Required.

10) Internal Communication Plan Survey:

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

Lewis stated the Internal Communication Plan was implemented in March 2020 and revised in July 2020 by leadership. The survey was prepared to solicit feedback from staff. It was open for two weeks in late January and early February 2021 and was sent out agencywide to 28 potential
participants. There were 19 responses, which is a 68% response rate, with 8 from GS&S, 10 from MLRR, and 1 from Operations, which could either be Administrative or IT. The program specific survey results do not show the one response from Operations. All questions were answered by the respondents, and for the sample size, 5.25% represents one response. Lewis said the responses are quite different by program, which is informative for how the Agency moves ahead. She proceeded through the results with the Board, stating generally 64% think communications have improved since communication plan implementation.

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

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

Chair Maffei said the take-aways are positive considering what has taken place over the last year.

Briefing: No Board Action Required.

11) Director’s Report:

Director Avy presented his Director’s Report on the following:

Update – Governor’s Recommended Budget (GRB)

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

Permanent Chief Financial Officer – Introduction

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

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

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

Briefing: **No Board Action Required.**

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

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

**13) Public Comment:**

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

**14) Board Adjourn:**

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

APPROVED

[Signature]

Laura Maffei, Chair