

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

**June 10, 2016
8:30 a.m.**

**Portland State Office Building
Suite 965**

Public Meeting Agenda

The Board makes every attempt to hold strictly to the sequence of the distributed agenda. Times and topics may change up to the last minute, but the times for public comment will be available as indicated below. This agenda is available on the DOGAMI website: www.oregongeology.org.

- 8:30 a.m. Item 1: Call to Order – Chair Lisa Phipps**
- 8:35 a.m. Item 2: Introductions – Chair Lisa Phipps and staff**
- 8:40 a.m. Item 3: Review Minutes of April 8, 2016**
Board Action: The Board will be asked to take an action on this item
- 8:50 a.m. Item 4: HB 3563 Rulemaking Update – Bob Houston, Rules Coordinator**
Briefing: The board will be asked to take an action on this item
- 9:10 a.m. Item 5: MLRR Legislative Concepts (LCs) – Brad Avy, Director**
Briefing: The board will not be asked to take an action on this item
- 9:30 a.m. Item 6: Public Comment**
Three minutes limit per person unless otherwise specified at the meeting by the Chair
- 9:40 a.m. Item 7: Public Records Request Policy and Procedure – Holly Mercer, Assistant Director**
Briefing: The board will be asked to take an action on this item
- 10:00 a.m. Item 8: Financial Report – Kim Riddell, Chief Financial Officer**
Board Action: The board will be asked to take an action on this item
- 10:20 a.m. Break**
- 10:30 a.m. Item 9: Director’s Report – Brad Avy, Director**
Briefing: The board will not be asked to take an action on this item

11:00 a.m. Item 10: Key Performance Measures (KPM) – Ian Madin, Chief Scientist and Holly Mercer, Assistant Director

Board Action: The board will be asked to take an action on this item

11:45 a.m. Item 11: Public Comment

Three minutes limit per person unless otherwise specified at the meeting by the Chair

Noon Item 12: Board Adjourn

PLEASE NOTE

AGENDA

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

PUBLIC TESTIMONY

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

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

THANK YOU FOR TAKING TIME TO PRESENT YOUR VIEWS

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

REASONABLE ACCOMMODATION OF DISABILITIES

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

Staff Report and Memorandum

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

From: Holly Mercer, Assistant Director

Date: June 2, 2016

Regarding: Agenda Item 3 – Review Minutes of April 8, 2016

Attached are draft Board Minutes from April 8, 2016.

*Proposed Board Action: The Board Minutes of April 8, 2016 be
Approved/Approved as amended/Not Approved.*

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

Friday, April 8, 2016

8:30 a.m.

Portland, Oregon

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

Chair Lisa Phipps called the meeting to order at 8:36 a.m.

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

Chair Phipps, Vice Chair Laura Maffei, and Board Members Scott Ashford, Dennis Luke and Larry Givens were in attendance.

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

Brad Avy, Director/State Geologist

Lori Calarruda, Recording Secretary/Executive Assistant

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

Kim Riddell, Chief Financial Officer (CFO)

Ali Ryan Hansen, Communications Director

Ian Madin, Chief Scientist

Jon Allan, Coastal Geomorphologist

Others in attendance:

Bill Montgomery, CEMEX

Steve Mote, Knife River

Bill McCall, Windsor Rock Products

Lloyd Town, Meisel Rock Products

Todd Baker, Baker Rock Resources

Kevin Culligan, Peterson Cat

Diane Lloyd, Department of Justice (DOJ)

John Terpening, Legislative Fiscal Office (LFO)

1) 3) Review Minutes of December 28, 2015 and January 11, 2016:

2) Phipps asked if there were any changes to the minutes as presented. No changes.

3)
4) Board Action: Luke moved to approve the minutes of December 28, 2015 and January 11, 2016 as submitted. Ashford seconded. Motion carried.

7) 4) HB 3563 Rulemaking Update:

8) Holly Mercer, Assistant Director, presented on behalf of Richard Riggs. Currently the Agency is in the
9) rule making process. Public comment will be accepted between April 1st and April 29th. Richard Riggs
10) will conduct the hearings scheduled for April 12, 2016 in Albany April 19, 2016 in Baker City. The
11) rules will be brought back to the Board in June with a final report and the rules will be ready for

12 adoption by the Board if they so decide. Phipps asked Mercer to tell the public how they can provide
13 public comment, since there are more opportunities than just the hearings. Mercer stated the public
14 can submit written comments, those will be summarized by the hearing officer, Richard Riggs and
15 they can appear in person if they want to testify at either of the two hearings scheduled. Ashford
16 asked if they can provide public comment at the next regular Board meeting. Mercer said no, the
17 public comment period will be closed by then. The hearing officer will report to the Board at the next
18 meeting, but the Board can take into account the comments when they vote.

19
20 Briefing: **No Board Action Required.**

21
22
23 **5) MLRR Legislative Concepts (LCs):**

24 Holly Mercer, Assistant Director, presented on behalf of Richard Riggs. Mercer explained that the
25 legislative concepts were proposed as placeholders until staff and the Board could more fully vet the
26 concepts. Givens had questions about the legislative concept regarding security for delinquent
27 invoices. He specifically questioned why Calico was so far in arrears. Mercer responded that the
28 Agency had delayed in issuing invoices and then Calico delayed in paying the invoices. Luke asked if
29 the Agency is considering deposits, bonding or a letter of credit. Mercer responded that although
30 those solutions had been discussed, upon further analysis staff felt that it may be advisable to focus
31 on timelier invoicing and monitoring the situation rather than going forward with a legislative
32 solution.

33
34 Regarding the concept related to increasing permitting fees for the Mineral Land Regulation &
35 Reclamation (MLRR) program, Mercer indicated that she and Director Brad Avy met with the Oregon
36 Concrete and Aggregate Producers Association representatives Rich Angstrom and Todd Baker the
37 day before the board meeting. The discussion focused on the change in the accounting structures
38 and whether the Agency could establish a trend line relating to fees. Since the new fee structure
39 began in January 2016, there has been insufficient time to clearly establish the impact of the recently
40 implemented fee structure. Director Avy and Mercer suggested to the Board that further
41 consideration and review be conducted. Ashford inquired about the timeline for submitting the
42 legislative concepts. Cathy Connolly, DOGAMI'S Budget and Management analyst indicated that the
43 deadline to submit additional placeholder information to the Department of Administrative Services
44 is June 24, 2016.

45
46 Board Action: **Givens moved to instruct staff to move ahead in exploring moving these different**
47 **proposals forward with further research for the June meeting. Luke seconded. Motion carried.**

48
49 Mercer asked that throughout the discussions of the Board meeting for people to identify
50 themselves, particularly Board members themselves, because DOGAMI has committed to OCAPA to
51 provide digital copies of the Board meeting and speakers identifying themselves will help listeners
52 know who is talking.

53
54 **6) Public Comments:**

55 Chair Phipps requested late arrivals to introduce themselves.

56 Cathy Connolly, Office of the Chief Financial Officer/Department of Administrative Services
57 (CFO/DAS)

58 Rich Angstrom, Oregon Concrete and Aggregate Producers Assn (OCAPA) & Oregon Mining Assn
59 (OMA)

60 Karen Tarnow of DEQ, Water Quality Division (SR WQ Policy Analyst)

61

62 Phipps asked for public comment.

63

64 Rich Angstrom, OCAPA, thanked Director Avy for giving him a “heads up” about the recently
65 announced reorganization. Angstrom indicated that there were concerns about removing the
66 Assistant Director position for MLRR. He stated that the position needs to be qualified in geology and
67 thoroughly understand the mining industry. In addition, he indicated that he had great concerns
68 about moving the Albany staff to Portland and ensuring that the funds for MLRR are not utilized for
69 the Geological Survey & Services Program (GS&S). Angstrom emphasized the importance of
70 transparency in both the program and budget areas. He was particularly concerned with the indirect
71 costs assessed and wants to continue to work with the Agency in analyzing those indirect costs. Luke
72 inquired about the location of most of the mines and Angstrom responded that most of the mines
73 are in the south and east portion of the state. Angstrom mentioned the success of mining in Nevada
74 and he feels that Oregon could greatly enhance its mining resources.

75

76 Phipps stated that the Agency is one agency and she would welcome a strong working relationship
77 with OCAPA. Angstrom stated that OCAPA appreciated Richard Riggs’ strong management skills and
78 they wanted to make sure that MLRR continued with similarly strong management skills.

79

80 Karen Tarnow, Department of Environmental Quality (DEQ) stated that she has been working on the
81 placer mining issues since 2013 and she feels the agencies can work together to come up with
82 solutions. Givens stated that he would like to see better coordination of the natural resources
83 agencies so that we are all working together.

84

85 Todd Baker, Baker Rock, stated that he had concerns about moving the Albany office to Portland
86 because recruiting in Portland would garner a different type of professional staff than if the Agency
87 recruited for the Albany location. He indicated that he agreed with Director Avy’s proposal to build
88 leadership within the Agency and recruit from within the agency. Baker reiterated that the industry
89 has benefited from the status of an assistant director and feels that Avy has some good ideas about
90 building leadership. Luke stated that Deschutes County put their management staff through
91 leadership training and it was very successful.

92

93 Mercer stated that the agency had received a two-page letter from Kuper Consulting and the letter
94 would become part of the public comment.

95

96 No further comments, move into the next agenda item Department of Justice.

97

98 **7) Department of Justice (DOJ) Summary relating to SB 379 Tsunami Inundation Line:**

99 Diane Lloyd, Assistant Attorney General, Natural Resources Section, Department of Justice, presented
100 a memorandum (attached) relating to the Tsunami Inundation Line. Lloyd stated that DOGAMI staff
101 establishes parameters of the tsunami inundation zone that is based on scientific evidence which
102 may include geologic field data and tsunami modeling. The Board and the staff shall be guided by the
103 principle of best available science. The statute provides that the DOGAMI Governing Board will
104 establish the zone through rule but the Board shall adopt the zone as determined by the Department.

105 Modifications to the zone must be by rule. The rules also state that the Board will consider revisions
106 to the zone based upon scientific evidence supplied by the public and interested governmental
107 entities.

108
109 Lloyd described the exception process and stated that the Board must hold a public hearing and
110 consider four factors as described in the memorandum. The Board would make a decision within 60
111 days and the decision can be appealed to circuit court. Givens asked if there could be a “takings”
112 argument and Lloyd indicated it was unlikely but she had not specifically looked at that issue.

113
114 Luke inquired about the counties’ obligation to comply with the state law. Lloyd stated that the
115 counties would need to comply with the law. Luke indicated that he would like to receive further
116 clarification about the takings issue and the counties’ obligation to follow the established tsunami
117 line.

118
119 Maffei further inquired about the process and wanted to know if an applicant for an exception goes
120 through local government, does the local jurisdiction determine if applicants consult with DOGAMI or
121 if it happens automatically. Lloyd said that for certain structures the applicant is required to consult.
122 Ian Madin, DOGAMI Chief Scientist, indicated that certain structures are entirely prohibited from
123 building in the tsunami zone and if they want to build in the zone then they are required to file an
124 exception. Madin also explained there are certain high occupancy buildings that may come to the
125 staff for consultation. Madin indicated that in the past 20 years, DOGAMI has only had 7 requests for
126 exceptions. Ashford clarified that the Department develops a draft line for public comment and then
127 the Board may either adopt the line or not adopt the line. Lloyd said that is correct.

128
129 Mercer stated that in her discussion with Lloyd and Larry Knudsen about the process going forward
130 there was a question about whether an individual community through public comment could impact
131 the placement of the line. For example, if a community was willing to accept a greater risk, could the
132 Board then determine that the line would be different than the line established by the Department.
133 Madin indicated that the Department had in essence developed five levels of risk in assigning the five
134 different lines. Ashford asked if the five lines are based on science, but the selection of the “L” line is
135 based on the risk the department has established as acceptable, so while the science is the same
136 between all those lines, which line was adopted is the opinion of the Department. Lloyd said that is
137 correct but there is a gap in statute because there is no recognition that the decision is based on risk.
138 Madin indicated there were huge qualitative differences between how the line was developed in
139 1995 and how it is being developed now. The models today are explicit computer models based on
140 detailed lidar mapping.

141
142 Gabriela Goldfarb, Governor’s Natural Resource Policy Advisor, stated that DOGAMI is the
143 undisputed source of the science but the implementation of establishing the line within the
144 communities is spread among a number of different state and local entities. She recommended a
145 team approach to the issue. Goldfarb also indicated that the American Society of Civil Engineers
146 (ASCE) has developed a tsunami inundation line and the Building Codes Division at the Department of
147 Consumer and Building Services determines whether to adopt the ASCE line.

148
149 Ashford asked for clarity as to the current status of the line. Phipps replied that the Board has
150 adopted the “L” line and the Board instructed staff to begin the community engagement with the
151 local jurisdictions, but the rules have not been developed. Ashford stated that for the “L” line, it is
152 really more about public education rather than public comment for the rulemaking process. Phipps

153 specifically noted the importance of getting feedback during the summer months when owners of
154 summer homes are able to comment. She feels that this component of the community is often
155 overlooked and not represented. Phipps emphasized that the community needs to understand what
156 the science means and what the risk is if the community chooses something different.

157
158 Jon Allan, DOGAMI staff, stated that the coastal office is starting to hear more discussion about the
159 tsunami line. He stated that there is a discussion about a new fire station being proposed for Yachats
160 and a proposed amphitheater in Waldport being located in an area where the high school previously
161 relocated because it was in the tsunami zone. Hansen asked for clarification as to whether the fire
162 station and the amphitheater were within the tsunami zone. Allan stated that the fire station is
163 outside of the existing inundation line and the amphitheater would be within the tsunami inundation
164 line.

165
166 Ashford reiterated his concern about a clear message to the coastal communities regarding their
167 input, and the changes between the old line, new line, and the potential ASCE line. Phipps suggested
168 that ASCE be engaged up front so that the processes could be more congruent. Goldfarb indicated
169 that Director Avy and Madin will be involved in the conversations and could keep the Board apprised
170 of the discussions.

171
172 Briefing: **No Board Action Required.**

173
174 **Break**

175
176 **8) Community Engagement Strategy:**

177 Ali Ryan Hansen, Communications Director, introduced a new initiative to increase awareness of and
178 engagement in the work the DOGAMI does. DOGAMI works extensively with partners and
179 communities throughout the year, but we tend to wait until projects are complete, or problems arise,
180 before we share what's happening with a wider audience. The new initiative would develop and
181 implement an integrated engagement and participation strategy that is:

- 182
- 183 - Flexible and scalable – work for everything we do, and fit the needs of the project or issue it's
 - 184 applied to
 - 185 - But also clearly defined – both the expectation that it'll be used, and how to use it
 - 186 - And practical – work with what we're already doing to plan and complete projects
 - 187 - And open – invite people into our day-to-day work, and give them genuine opportunities to
 - 188 participate in what's happening
- 189

190 The initiative is just beginning, Hansen said. She gave an example of a Geological Survey & Services
191 project, and the key points where partner and public engagement could factor in. Staff will be testing
192 out ideas on a few current projects that are beginning, and figuring out how to put engagement and
193 participation into everything we do, and work in those elements from project beginning to end. She
194 will report back as the plan moves into full implementation.

195
196 Avy noted that including outreach and engagement from the project proposal stage could result in
197 having these components supported by outside funding

198
199 Board feedback included:

- 200
201 - The board was supportive of additional efforts to engage the public
202 - This could be an opportunity to hold board meetings or other engagement events in more
203 locations around the state
204 - Hansen should look to other agencies for advice on best practices for outreach and engagement
205

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

207

208 **9) Financial Report:**

209 Kimberly Riddell, DOGAMI Chief Financial Officer, provided a copy of the financial report as of
210 February 29, 2016. Givens stated that he wanted to publically thank Riddell for the new format of
211 the report. Riddell discussed the report and noted a few revisions. Phipps requested clarification
212 regarding specific project costs. Mercer indicated that the staff has been trained using the
213 “Smartsheet” project template and each project will have financial tracking. Phipps indicated that
214 she would like to see more detail about the projects. Ashford stated he is concerned that the
215 department is funding projects through General Funds. Mercer replied that the project staff code
216 their time using a work code for the projects. If a project extends past the period of performance,
217 however, the project costs may be coded under General Funds.

218

219 Ashford inquired about the Calico invoices. Riddell stated Calico has paid their invoices, but the
220 payment was received after the report was developed. Riddell indicated that she would provide
221 more detail about Calico’s invoices at the next board meeting. Ashford and Phipps reiterated the
222 need to be transparent about how revenues are spent. Riddell indicated that she would provide
223 more detail at the next board meeting.

224

225 Board Action: **Luke moved to accept the Financial Statement Report as presented. Maffei**
226 **seconded. Motion carried.**

227

228 **10) Director’s Report:**

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

230

231 Legislative session and budget note response: Avy reviewed the budget note presentation and stated
232 that the department still had work to do around the business model analysis. He stated that the
233 team had worked very hard under a difficult situation and he acknowledged the work of Traci, Kim,
234 Ali, Ian, Holly, Rich and Deb for developing the report and the presentation materials. Avy noted that
235 one highlight during the presentation before the Natural Resources Subcommittee of the Joint Ways
236 and Means Committee was a greater awareness that the department needs a higher level of General
237 Fund to have the department work more effectively.

238

239 IT Assessment Report: Avy indicated that the IT Assessment was received in January causing a great
240 deal of concern about being out of compliance with state policies for IT security, backups, processes
241 in general and syncing up with the state system. The DOGAMI staff has been working with the State
242 Chief Information Officer and his staff and will present a proposal at the May Emergency Board. Luke
243 asked if DOGAMI has had any feedback from the legislature. Avy indicated that he believes the
244 legislature will support DOGAMI’s efforts because they want DOGAMI to be successful and they also
245 plan to conduct similar assessments for other agencies.

246

247 Secretary of State Audit: Avy updated the Board regarding the Secretary of State audit. He told the
248 Board that he specifically asked for a detailed audit by the Secretary of State so that the department
249 could have a full accounting of its financial status. Avy also indicated that it is anticipated that FEMA
250 will conduct a separate audit after the completion of the Secretary of State’s audit.

251
252 Perspective and Vision on the Agency Culture and Leadership Preparedness: Avy commented that
253 one of the challenges for small organizations is developing leadership among the front line and
254 technical staff. Avy’s vision is to provide the opportunities to grow leadership and supervisory
255 capacity from within and to help staff learn the supervisory management side of a position within a
256 department. He believes those skills get built over time so they are prepared if a position opens up
257 later. Avy noted that he has received great comments about individual staff members working in the
258 community, but there is a different picture on some of the broader Agency reputation at the
259 management level.

260
261 Reorganization and Albany Lease: Avy discussed his rationale for reducing staff from two assistant
262 directors to one assistant director. He indicated that he looked at the Agency from a holistic view
263 and his desire to create a more unified culture. He reiterated the need to build leadership and
264 supervisory capacity within the Agency and to create a meaningful succession plan. Prior to making a
265 final decision, he discussed his rationale with the Governor’s Office, Legislative Fiscal Office,
266 Department of Administrative Services Budget and Management, the Board Chair, members of the
267 management team, and human resources. Immediately after the decision, he spoke with key
268 senators and representatives. Luke and Maffei indicated that they agreed that the decision to
269 reorganize is within the purview of the Director, but they would like to have a broader discussion
270 about the Albany lease.

271
272 Avy discussed his exploration of moving the Albany staff to Portland. He indicated that given the
273 impact on staff and the potential of losing staff, it would take a compelling standard to move the
274 office. Avy stated he would take a look at the numbers and do an analysis but if there is not a
275 compelling reason to move the office, he would not do so. Maffei clarified that unless there is
276 something compelling then the office will not be moved but understanding the analysis needs to be
277 completed. Avy said that is correct.

278
279 Registered Geologist Protocols: As an ex-officio member of the Oregon State Board of Geologist
280 Examiners (OSBGE), Avy provided an update regarding the issue of department staff consistency with
281 registered geologist protocols. Avy indicated that the geologist board is concerned that they hold
282 private sector geologists and state agency geologists to the same standards. He will keep the Board
283 updated with any changes.

284
285 Board Action: **Givens moved to accept the Director’s Report as presented. Ashford seconded.**
286 **Motion carried.**

287
288 **Break**

289
290 Phipps asked how the Board wants to be notified if topics arise that may need Board discussion. The
291 Board stated that an email would be preferred. Mercer also stated that Director Avy and she could
292 call the Chair and Vice Chair to gauge whether a public meeting needs to be scheduled.

293
294 **11) Working Lunch - Key Performance Measures (KPM):**

295 Mercer stated that the current KPMs have been in place for over ten years and the staff would like to
296 suggest revisions based on current work. Ashford asked if KPMs are required by all state agencies
297 and Mercer replied that she believed they were. The Board and the Agency may develop new or
298 revised KPMs but the governance and customer services KPMs are mandatory. Mercer stated that
299 the staff would like to receive board feedback about the proposed Geologic Survey & Services
300 program KPMs at the current board meeting and then receive feedback about the Mineral Land
301 Regulation & Reclamation program KPMs at the June meeting. Mercer stated that Ian Madin, Chief
302 Scientist, would summarize the recommendations to the board.

303

304 Current KPMs and Recommendations:

305

306 1 – Earthquake and Landslide Map Completion: Recommendation is to delete and replace with new
307 KPM.

308

309 2 – Tsunami Evacuation Map Completion: Recommendation is to delete because it is at 100%
310 complete.

311

312 3 – Coastal Erosion Map Completion: Recommendation is to delete and replace with new KPM.
313 There is complete coastal erosion mapping for the counties and portions of the coast for which it is
314 most needed.

315

316 5 – Reclamation: Recommendation is to delete. The KPM is easy to quantify but the Department has
317 absolutely no control over the outcome.

318

319 6 – Detailed Geologic Map Completion: Recommendation is to retain with revised calculation.
320 Madin indicated that the numbers need to be recalculated but this KPM should be retained.

321

322 7 – Regional Geologic Map Completion: Recommendation is to delete. Madin indicated that this
323 KPM has been stagnant for the last 2 – 3 biennium and it is no longer meaningful.

324

325 8 – Mine Sites Inspected Annually: Recommendation is to delete and replace with new KPM. Mercer
326 stated that she would discuss this KPM with MLRR staff and bring it back to the June board meeting.

327

328 9 – Tsunami Inundation Map Completion: Recommendation is to delete because it is 100% complete.

329

330 10 – Customer Service: Recommendation is to retain. This is a required KPM.

331

332 11- Governance: Recommendation is to retain. This is a required KPM.

333

334 12 – Geologic Hazard Preparedness: Recommendation is to delete and replace with new KPM.
335 Madin indicated that the formula was extremely complicated and the information did not have much
336 meaning in dealing with hazard preparedness.

337

338 Phipps asked how are we going to make sure reclamation is taking place if we remove the KPM
339 relating to reclamation. Madin stated that KPMs should relate to outcomes we actually can
340 influence. He continued that DOGAMI has a statutory obligation to ensure reclamation takes place
341 and we do so by working through the operators.

342

343 Proposed KPMs:
344
345 1- Hazard Risk Assessments Completion: Percent of population residing in Oregon Urban Growth
346 Boundaries (UGBs) that have hazard risk assessments that meet criteria to initiate Department of
347 Land Conservation and Development Goal 7 planning for earthquake, landslide, tsunami, coastal
348 erosion, and flooding. Target: 100% of Population residing in Oregon UGBs
349
350 Data:
351 Population in UGBs that have received hazard risk assessments
352 Divided by 2010 population census of UGBs
353 Times the proportion of hazards with completed assessments
354
355 Phipps asked why this was focused on UGBs and Madin said most cities require hazard risk
356 assessments for multiple hazards earthquake, landslide, flooding as a base and for coastal
357 communities include coastal erosion and tsunami information. The Department wants to provide
358 cities with a uniform consistent set of hazard and risk studies that we have developed technology and
359 routines for. UGBs were trying to bite off something they can manage with foreseeable funding over
360 the next 5 biennia.
361
362 2 – Lidar Data Completion: Percent of Oregon (sq. miles) with lidar data at USGS quality level 2 or
363 better. Total: 100% of Oregon
364
365 Data:
366 Total Oregon sq. miles with lidar data
367 Divided by total sq. miles of Oregon
368
369 This proposed KPM focuses on lidar because both the collection and use of the data is critical for
370 many of the projects undertaken by the Department. Madin indicated that the Department has lidar
371 data for about 40% of the state. Phipps commented that she felt this was a great opportunity for
372 other agencies to use the information.
373
374 3 – Detailed Geologic Map Completion: Percent of Oregon where geologic data in the form of high
375 resolution maps have been completed to be used for local problem solving. Target: TBD
376
377 Data:
378 Total sq. miles of Oregon in Nominal Inhabited Area (NIA) with high resolution geologic maps
379 Divided by total sq. miles of NIA
380
381 It is the same as the old just updated.
382
383 4 – Accessibility of DOGAMI Information: Percent of DOGAMI Information that is current and
384 accessible by ensuring legacy data is digitized, indexed, and catalogued, the website is redesigned
385 according to state parameters, and the databases are current, discoverable, and recoverable. Target:
386 100%
387
388 Data:
389 Department reports on % toward target progress on an annual basis
390

391 Madin stated that there are three areas this KPM will focus on: legacy data, website, and updating
392 existing databases. Madin also indicated that the Agency has a team working on standardizing
393 metadata.

394
395 5 – Timely Processing of MLRR Permit and Exclusion Certificate Applications: Percent of all new
396 completed permits, completed permit amendments or transfers, and completed exclusion certificate
397 applications within statutory timeframes. Target: 100% for all categories.

398
399 Data:
400 Total number of applications for permits, amendments, transfers and exclusion certificates
401 completed in statutory timeframe
402 Divided by the Total number of applications for permits, amendments, transfers and exclusion
403 certificates received.

404
405 Mercer stated it should be a completed application. Ashford had questions on existing backlog and
406 does the Agency have anything to do with the application not being completed – even if it’s the
407 Agency not getting back to them to tell them it is not complete. Mercer stated that we would work
408 with the Albany staff to determine if a backlog exists. Ashford commented that is a great KPM if the
409 Agency can make it more specific.

410
411 6 – Active Mine Sites Inspected Biennially: Percent of active mine sites inspected biennially. Target:
412 TBD

413
414 Data
415 Total number of active mine sites inspected between June 1, 2017 and July 1, 2018 ad between July
416 1, 2018 and July 1, 2019
417 Divided by the total number of active mine sites as of July 1, two years

418
419 Mercer said if we keep this KPM, it may cause an increase in workload. Givens commented that he
420 was not comfortable with the way the KPM was written since it seems to be competing with KPM 5
421 for staff resources. Luke suggested picking a percentage of the active mine sites each year – like
422 30%. Ashford suggested contacting another state to see how they do these.

423
424 7- Customer Service: Percent of customers rating their satisfaction with the Agency’s customer
425 service as “good” or “excellent”: overall customer service, timeliness, accuracy, helpfulness, expertise
426 and availability of information.

427
428 8 – Governance: Percent of yes responses by the Governing Board members to the set of best
429 practices.

430
431 The customer service and governance KPMs are mandated. Phipps stated that she wanted to be very
432 transparent with these KPMs.

433
434 **Break**

435
436 **13) Board Recognition:**

437 Phipps presented Commissioner Givens a plaque in recognition of his hard work, his 8 years on the
438 Governing Board and the last two as Chair. Givens thanked everyone very much and said he's really
439 enjoyed it. He also stated it's been great working with Phipps. Phipps mentioned the Board would
440 like to thank all the staff that has helped them over the past year. She appreciated their team effort.
441 Phipps also asked if there was something we can do to let the staff know they are appreciated. Both
442 Avy and Mercer said that employee recognition could be arranged for the next meeting.
443

444 **14) Public Comments:**

445 Phipps asked for public comment. No public comment at this time. Next meeting is June 10th at 8:30
446 a.m. in this building in Portland. Ashford will not be in attendance due to graduation activities at
447 Oregon State University (OSU). Luke reminded Ashford of his offer to host a board meeting and a
448 field trip to the tsunami lab at OSU. This could possibly take place for the September Board meeting.
449

450 **15) Board Adjourn:**

451 At the conclusion of the public comment period, Chair Phipps adjourned the meeting at 2:35 p.m.
452

453
454 APPROVED

455
456
457
458 _____
459 Lisa Phipps, Chair



DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

MEMORANDUM

DATE: March 30, 2016

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

FROM: Diane Lloyd, Assistant Attorney General
Natural Resources Section

SUBJECT: Tsunami Inundation Zone

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

There are two applicable statutory provisions:

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

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

Steps to creating the zone:

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

¹ ORS 455.446(b).

² ORS 455.446(b).

³ OAR 632-005-0030(1)

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

Exception Process:

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

⁴ OAR 632-005-0030(2).

⁵ ORS 455.446(c).

⁶ ORS 455.446(c).

⁷ OAR 632-005-0040(2).

⁸ OAR 632-005-0040(2).

⁹ ORS 455.446(d).

¹⁰ ORS 455.446(d).

¹¹ OAR 632-005-0020, Definitions.

¹² ORS 455.445(g)

¹³ OAR 632-005-0080

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

Staff Report and Memorandum

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

From: Bob Houston, Rules Coordinator and Hydrocarbon-Metallic Ore Geologist

Date: June 3, 2016

Regarding: Agenda Item 4 – HB 3563 Rulemaking Update

HB 3563, codified in ORS 517.753 (Attachment A), requires a person that engages in surface mining activities at levels below thresholds for applicability of operating permit and reclamation requirements to obtain an Exclusion Certificate (EC) from the Oregon Department of Geology and Mineral Industries (DOGAMI) and pay a fee. Additionally, HB3563 amended ORS517.800 to increased fees associated with surface mining for the first time since 2005 (Attachment A).

On September 21, 2015, DOGAMI's Governing Board authorized the agency to begin permanent rulemaking. Because of a notice error and that it was anticipated the legislature would take action of ECs during the 2016 session (SB 1530), DOGAMI's Governing Board adopted temporary rules (Attachment B) and authorized the Department to reinstate permanent rulemaking on December 28, 2015. SB 1530 died in committee. The Department filed Temporary Rule amendments with the Secretary of State (SOS) and Legislative Counsel (LC) on January 14, 2016. If the Temporary rule is not replaced by the permanent rule before June, 30, 2016 the rule language reverts back to the existing language (Attachment C).

The proposed permanent rule amends OAR 632-030-0016 and 632-030-0022 (Attachment D), establishes reporting requirements, outlines fee schedules, and provides compliance timeframes for Exclusion Certificates. Pursuant to ORS 517.753, an Exclusion Certificate is required for a surface mining operation that falls under the cubic yard (5,000 CY) and acreage (1 acre, up to 5 acre in five years) thresholds for which an Operating Permit is required. A person seeking an Exclusion Certificate must file an application and a nonrefundable fee in the amount of \$80. An EC application for sand, gravel, aggregate, or crushed stone mining operations must be received no later than September 30, 2016, or within 90 days after excavation commences, whichever is later. An EC application for nonaggregate mineral surface mining operations (including placer mines) must be received no later than July 31, 2017, or within 90 days after excavation commences, whichever is later. All EC annual renewal fees are set at \$150 by statute (ORS 517.753; Attachment A).

The Department estimates that 1,700 potential entities are affected by the rule and are classified as a small business. This number includes 200 aggregate (sand, gravel, or crushed stone) mining operations and 1,500 are nonaggregate mining operations (including placer mines). Of the 1,500 nonaggregate mines, only 46 (3%) are known to be above 1,500 cubic yards annual disturbance and operating on a commercial scale, while the remaining 97% are below 1,500 cubic yards, and likely to be more recreational in nature.

The Department published “Notice of Proposed Rulemaking Hearing” (Attachment E) and filed a “Statement of Need and Fiscal Impact” (Attachment F) with the Secretary of State’s Office on March 11, 2016. Legislators were notified on March 15, 2016. A notice was published in the Oregon Bulletin on April 1, 2016 and sent to the agency’s stakeholders on April 5, 2016. The public comment period on the proposed permanent rules, opened on April 1 and closed on April 29, 2016. The initial public hearing was held in Albany on April 12, 2016 and was attended by two people, who did not present any verbal testimony (Attachment G). A second public hearing was held in Baker City on April 19, 2016 and was attended by 14 people, five of which refused to sign in. During this meeting, seven people provided verbal testimony (Attachment G). Prior to the end of the public comment period, 10 people submitted written testimony (Attachment H).

The majority of verbal and written comments received centered on the impacts to the nonaggregate community that disturb less than 1,500 cubic yards of material within a year (Attachment G and H). Their concerns are broadly categorized into six areas:

- a. General reasoning or need behind this rule: Comments asking what the problems were that justified this rule.
- b. Economic impact: Comments that the fee was too high and will result in decreased mining activities thereby, resulting in expenditure reduction within the small communities and business servicing these activities.
- c. Geographic limit of an EC: Comments asking if one EC applied to multiple locations.
- d. State jurisdiction: Comments that the State does not have any Jurisdiction on federal lands.
- e. Implementation of the rule: Comments asking how the rules will be applied to nonaggregate nonmetal deposits and how the rule will be enforced. Comments that a FAQ document provided on the DOGAMI website contained confusing information.
- f. Lack of coordination or consultation with stakeholders: Comments that Baker County commissioners and the public was not engaged in the drafting of the statute or rules.

The comments from the aggregate community were largely in support of the proposed permanent rule and are summarized below:

- a. Fee amount: Comments that the fee amount is appropriate.
- b. Phased implementation of the EC applications: Comments that the phased implementation of the EC applications provides an opportunity for potential future legislative actions.
- c. Consolidation of fees it applies to Limited Exemptions renewal fee: Comments that for sites that have both an Operating Permit and a Grant of Limited Exemption, the payment of one renewal fee to maintain both the permit and registration is appropriate.
- d. Shortening the timeframe for describing past activities: A comment that the description of activities that occurred in the previous 60 month period was excessive.

ORS 517.753 provides fairly prescriptive statutory language outlining the implementation of an Exclusion Certificate. The only discretionary action of the Governing Board that may affect the fiscal and economic impact is the setting of the Exclusion Certificate application fees. As provided by ORS 517.753, Exclusion Certificate application fees are in an amount not to exceed \$400, while renewal fees are fixed at \$150. The initial version of the proposed permanent rule language required an Exclusion Certificate application fee in the amount of \$400 for:

- a. Aggregate operations that disturb less than 5,000 cubic yards of material per year, and
- b. Nonaggregate operations that disturb from 1,500 to 5,000 cubic yards of material per year.

Additionally, as initially proposed, a \$150 Exclusion Certificate application fee was required for all nonaggregate operations that disturb less than 1,500 cubic yard per year. In an effort to address public comments related to the application fee amount, the department conducted an assessment of the time and cost for processing an Exclusion Certificate application. This assessment determined that an \$80 application fee is needed to recover the cost incurred by the department in processing an Exclusion Certificate application. Changes to the EC application fee schedule is incorporated into the proposed permanent rule as stated in Attachment D. Because this modification to the proposed permanent rule language is in response to a timely comment and did not change the substance of the rule, additional notice and hearing opportunities are not required.

Pending Board adoption of the proposed permanent rule (Attachment D), the Department will file the permanent rule with the SOS and LC to complete the permanent rulemaking process.

Policy Issues:

Oregon Revised Statutes (ORS) 517.840: Administration and enforcement of ORS 517.702 to 517.989; rules. The governing board of the State Department of Geology and Mineral Industries shall administer and enforce the provisions of ORS 517.702 to 517.989 and:
(4) May, in accordance with the applicable provisions of ORS chapter 183, adopt rules to carry out the provisions of ORS 517.702 to 517.989.

ORS 516.090 General duties and powers of board; rules.

(2) The board may:

(a) In accordance with applicable provisions of ORS chapter 183, adopt rules necessary for the administration of the laws that the board is charged with administering.

Proposed Board Action: Adoption, or denial of the proposed permanent rule amendments for OAR 632-030-0016 and 632-030-0022, set out in Attachment D.

Chapter 517 — Mining and Mining Claims

2015 EDITION

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

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

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

(a) The amount of minerals extracted pursuant to the certificate during the previous 12 months;

(b) The total acreage of surface disturbance by the mining operation as of the date that the renewal is submitted; and

(c) Any additional information required by the department to determine that the mining operation continues to qualify for an exclusion certificate. [2015 c.834 §2]

Chapter 517 — Mining and Mining Claims

2015 EDITION

517.800 Fees; rules; annual report. (1)(a) Except for an application for a mining operation submitted under ORS 517.910 to 517.989, each applicant for an operating permit under ORS 517.702 to 517.989 shall pay to the State Department of Geology and Mineral Industries a fee established by the State Geologist in an amount not to exceed \$1,750.

(b) If an application for a new permit or an amendment to an existing permit requires extraordinary department resources because of concerns about slope stability or proximity to waters of the state or other environmentally sensitive areas, the applicant shall pay to the department an additional fee in an amount determined by the State Geologist to be adequate to cover the additional costs for staff and other related expenses. The State Geologist shall consult with the applicant when determining the amount of the fee.

(2) Annually, each holder of an operating permit shall pay to the department a base fee of \$850, plus \$0.0095 per ton of aggregate or mineral ore extracted during the previous 12-month period.

(3) If a reclamation plan is changed, the operator may be assessed for staff time and other related costs an amount not to exceed \$1,750 in addition to the annual renewal fee. This

subsection does not apply to a mining operation that is subject to the fee established by ORS 517.973 (2)(a).

(4) If, at operator request, the department responds to requests for information required by a local government in making a land use planning decision on behalf of the operator for a specific site, the State Geologist may require the operator to pay the department a fee for staff time and related costs. The department shall notify the operator in advance of the estimated costs of providing the information, and the actual amount assessed shall not exceed the estimate provided by the department.

(5) The State Geologist may require the operator of a site to pay to the department a special inspection fee in an amount not to exceed \$500 for an inspection conducted under the following circumstances:

(a) Investigation of surface mining operations conducted without the operating permit required under ORS 517.790; or

(b) Investigation of surface mining operations conducted outside the area authorized in an operating permit.

(6) Upon request of an applicant or operator, the department shall provide an itemized list and documentation of expenses used to determine a fee under subsection (1)(b), (3) or (4) of this section.

(7) Notwithstanding the per ton fee established in subsection (2) of this section, the governing board of the department may lower to zero or raise the per ton fee up to \$0.0095 if necessary to provide financial certainty to the department or to reflect actual expenses of the department in administering ORS 517.702 to 517.951.

(8) All fees collected by the department under this section shall be deposited in the Mined Land Regulation and Reclamation Program Subaccount within the Geology and Mineral Industries Account. The department shall prepare and submit to the governing board of the State Department of Geology and Mineral Industries an annual report on the financial status of the Mined Land Regulation and Reclamation Program Subaccount.

(9) The governing board of the department:

(a) Shall adopt by rule a procedure for the administrative review of the determinations of fees under this section.

(b) Shall adopt rules establishing the payment date for annual fees required under this section.

(c) May adopt rules establishing a late fee of up to five percent of the unpaid amount of an annual fee owed under this section if the annual fee is more than 60 days past due. [1971 c.719 §7; 1973 c.709 §3; 1977 c.524 §2; 1979 c.435 §2; 1981 c.274 §1; 1983 c.88 §1; 1985 c.292 §8; 1987 c.598 §1; 1989 c.346 §1; 1991 c.735 §28; 1993 c.399 §1; 1995 c.79 §297; 1997 c.62 §1; 1999 c.353 §4; 2003 c.520 §1; 2005 c.650 §§1,1a; 2007 c.318 §16; 2013 c.371 §29; 2015 c.834 §3]

**DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES
DIVISION 30
OREGON MINED LAND RECLAMATION ACT**

**Applicable to All Surface Mining *Except* As Specifically Provided Under OAR Chapter 632,
Division 035 (Coal and Metal-Bearing Ore Operations), and OAR Chapter 632,
Division 037 (Chemical Process Mining)**

632-030-0016

Exclusion Certificates

(1) Pursuant to 2015 Oregon Laws chapter 834 [enrolled HB 3563], an exclusion certificate is required for a surface mining operation that falls under the thresholds for which an operating permit is required. A person seeking an exclusion certificate must file an application as provided in section (2) of this rule and the application must be accompanied by the fee required under OAR 632-030-022. The application must be filed in accordance with the schedule established in section (3) of this rule.

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

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

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

(a) The name of the operator;

(b) Location of the excavation;

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

(d) Size of the site;

(e) Date of commencement of the excavation;

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

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

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

(3) Applications for exclusion certificates for existing aggregate mining operations must be filed no later than March 31, 2016. Applications for existing nonaggregate mineral mining operations (including metal mines) must be filed no later than June 30, 2016. Mining operations that both produce aggregate and recover metals or other non-aggregate minerals are subject to the deadline for

aggregate mines. Applications for new mines must be filed within 90 days after excavation commences.

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

(5) The holder of an exclusion certificate must file an annual report on the anniversary date of the issuance of the certificate. The annual report must be accompanied by the annual fee establish 2015 Oregon Laws chapter 834, Section 2 [enrolled HB 3563] and must include the following information:

- (a) Volume of minerals extracted during the previous year;
- (b) Amount of additional lands affected by mining during the previous year; and
- (c) Total number of acres affected by the operation.

Stat. Auth.: ORS 517; House Bill (HB) 3563, § 834 (2015)

Stats. Implemented: ORS 517.750; HB 3563 (2015)

**DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES
DIVISION 30
OREGON MINED LAND RECLAMATION ACT**

**Applicable to All Surface Mining *Except* As Specifically Provided Under OAR Chapter 632,
Division 035 (Coal and Metal-Bearing Ore Operations), and OAR Chapter 632,
Division 037 (Chemical Process Mining)**

632-030-0022

Fees

(1) The fees applicable to this rule division are the maximum fees allowed by ORS 517.800 and 2015 Oregon Laws chapter 834, Section 2 [enrolled HB 3563] except as provided below.

(2) Annual Fees are due on the anniversary date of the issuance of the operating permit unless a different renewal date is established by the Department. The Department will provide the permittee with 60 days advance notice before establishing a new renewal date. The Department will prorate annual fees at the permittee's request if a new renewal date is established.

(3) A permittee or holder of an exclusion certificate, or a limited exemption certificate must renew the operating permit, exclusion certificate or limited exemption certificate annually, on or before the last day of the month shown on the permit or certificate as the renewal month. Operators that hold both a limited exemption certificate and an operating permit on the same property, or contiguous properties that are operated as a single mining activity, shall pay a single annual renewal fee pursuant to ORS 517.800, based upon the total reported production from all sites within the parcel or contiguous parcels. The annual fee must be paid and the annual report form returned prior to renewal. A permittee or certificate holder must pay all delinquent fees owed to this Department prior to renewal of the permit or certificate;

(4) The Department will impose a late fee equal to five percent of the amount of any annual fee that is more than 60 days past due.

(5) The fees established by this rule also apply to emergency permits issued pursuant to ORS 517.832 and temporary operating permits issued under ORS 517.834.

(6) The Department may waive the fee for a minor amendment in those situations where significant administrative resources are not needed to process the amendment.

Attachment B TEMPORARY rule language 632-030-0016, 632-030-0022

Stat. Auth.: ORS 517; House Bill (HB) 3563, § 834 (2015)

Stats. Implemented: ORS 517.800; HB 3563 (2015)

**DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES
DIVISION 30
OREGON MINED LAND RECLAMATION ACT**

**Applicable to All Surface Mining *Except* As Specifically Provided Under OAR Chapter 632,
Division 035 (Coal and Metal-Bearing Ore Operations), and OAR Chapter 632,
Division 037 (Chemical Process Mining)**

632-030-0016

Total Exemptions

(1) Activities that would be included in the definition of surface mining in ORS 517.750(15) except for the fact that they are under the thresholds for excavation or disturbance in ORS 517.750(15)(a) and 517.755 or excluded under ORS 517.750(15)(b) are exempt from regulation under this rule division.

(a) The Department may require information to be provided by any person conducting mining activities to establish a total exemption.

(b) For operations producing less than 5,000 cubic yards of material per year and disturbing less than one acre of land per year that lose their total exemption under ORS 517.755 when mining operations affect more than five acres of land, all areas and operations at the site are subject to the Act and the rules adopted thereunder. When multiple mining areas are located within one parcel or contiguous parcels, the yards produced and disturbed acreage shall be calculated based on the total of all sites within the parcel or contiguous parcels.

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

(2) An operator may apply for a total exemption certificate, if desired. The application must be made to the Department using the established form. The Department may require the operator claiming this exemption to provide data to establish the validity of the exemption. The data required may include, but is not limited to:

(a) The name of the operator;

(b) Location of the excavation;

(c) Size of the site;

(d) Date of commencement of the excavation;

(e) A summary of the previous 36 months' activities and an estimate of the activity for the succeeding 36 months; and

(f) An explanation of why the activity is exempt.

Stat. Auth.: ORS 517

Stats. Implemented: ORS 517.750

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

632-030-0022

Fees

(1) The fees applicable to this rule division are the maximum fees allowed by ORS 517.800 except as provided below.

(2) Annual Fees are due on the anniversary date of the issuance of the operating permit unless a different renewal date is established by the Department. The Department will provide the permittee with 180 days advance notice before establishing a new renewal date. The Department will prorate annual fees at the permittee's request if a new renewal date is established.

(3) A permittee or holder of a limited exemption certificate must renew the operating permit or limited exemption certificate annually, on or before the last day of the month shown on the permit or certificate as the renewal month. The annual fee must be paid and the annual report form returned prior to renewal. A permittee must pay all delinquent fees owed to this Department prior to renewal of the permit;

(4) The Department will impose a late fee equal to five percent of the amount of any annual fee that is more than 60 days past due.

(5) The fees established by this rule also apply to emergency permits issued pursuant to ORS 517.832 and temporary operating permits issued under ORS 517.834.

(6) The Department may waive the fee for a minor amendment in those situations where significant administrative resources are not needed to process the amendment.

Stat. Auth.: ORS 517

Attachment C Existing PreTemp OAR rule language 632-030-0016, 632-030-0022

Stats. Implemented: ORS 517.800

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

632-030-0016

Exclusion Certificates~~Total Exemptions~~

~~(1) Pursuant to ORS 517.753, an exclusion certificate is required for a surface mining operation that falls under the yard and acre thresholds for which an operating permit is required. A person seeking an exclusion certificate must file an application as provided in section (2) of this rule and the application must be accompanied by the nonrefundable fee required under OAR 632-030-0022. The application must be filed in accordance with the schedule established in section (3) of this rule. Activities that would be included in the definition of surface mining in ORS 517.750(15) except for the fact that they are under the thresholds for excavation or disturbance in ORS 517.750(15)(a) and 517.755 or excluded under ORS 517.750(15)(b) are exempt from regulation under this rule division.~~

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

~~The Department may require information to be provided by any person conducting mining activities to establish a total exemption.~~

~~(b) For operations producing less than 5,000 cubic yards of material per year and disturbing less than one acre of land per year that lose their total exemption under ORS 517.755 when mining operations affect more than five acres of land, all areas and operations at the site are subject to the Act and the rules adopted thereunder. When multiple mining areas are located within one parcel or contiguous parcels, the yards produced and disturbed acreage shall be calculated based on the total of all sites within the parcel or contiguous parcels.~~

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

~~(2) An application for an exclusion certificate must be made on the form approved by the Department. The application must include the following information: An operator may apply for a total exemption certificate, if desired. The application must be made to the Department using the established form. The Department may~~

~~require the operator claiming this exemption to provide data to establish the validity of the exemption. The data required may include, but is not limited to:~~

(a) The name of the operator;

(b) Location of the excavation;

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

~~(d)~~ Size of the site;

~~(e)~~ Date of commencement of the excavation;

~~(f) A detailed summary of the mining activities during the previous 36 months; A summary of the previous 36 months' activities and an estimate of the activity for the succeeding 36 months; and~~

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

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

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

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

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

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

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

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

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

Stat. Auth.: ORS 517

Stats. Implemented: ORS 517.750

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

632-030-0022

Fees

(1) The fees applicable to this rule division are ~~the maximum fees allowed by pursuant to ORS 517.800753 and 517.800, except as provided below. The application fee for an exclusion certificate is \$80. Each holder of an exclusion certificate will annually pay to the department a renewal fee of \$150 pursuant to ORS 517.753.~~

(2) Annual ~~f~~Fees are due on the anniversary date of the issuance of the operating permit, limited exemption certificate, or exclusion certificate unless a different renewal date is established by the Department. The Department will provide the permittee or certificate holder with ~~180~~ 60 days advance notice before establishing a new renewal date. The Department will prorate annual fees at the permittee's or certificate holder's request if a new renewal date is established.

(3) A permittee or certificate holder ~~of a limited exemption certificate~~ must renew their permit or certificate ~~operating permit or limited exemption certificate~~ annually, on or before the last day of the month shown on the permit or certificate as the renewal month. Operators that hold both a limited exemption certificate and an operating permit on the same property, or contiguous properties that are operated as a single mining activity, will pay a single annual renewal fee pursuant to ORS 517.800, based upon the total reported production from all sites within the parcel or contiguous parcels. The non refundable annual fee must be paid and the annual report form returned prior to renewal. A permittee or certificate holder must pay all delinquent fees and accrued interest owed to this Department prior to renewal, transfer, or amendment of the permit or certificate;

(4) The Department will impose a late fee equal to five percent of the amount of any annual fee that is more than 60 days past due.

(5) The fees established by this rule also apply to emergency permits issued pursuant to ORS 517. 832 and temporary operating permits issued under ORS 517.834.

(6) The Department may waive the fee for a minor amendment in those situations where significant administrative resources are not needed to process the amendment.

Stat. Auth.: ORS 517

Stats. Implemented: ORS 517.800

Hist.: GMI 2-1997, f. & cert. ef. 10-14-97; DGMI 1-1999, f. & cert. ef. 1-7-99; DGMI 1-2000, f. & cert. ef. 7-20-00; DGMI 2-2003, f. & cert. ef. 8-22-03; DGMI 3-2003, f. 8-

29-03, cert. ef. 9-1-03; DGMI 1-2005(Temp), f. & cert. ef. 8-3-05 thru 1-30-06; DGMI 1-2006, f. & cert. ef. 1-10-06; DGMI 1-2009, f. & cert. ef. 5-15-09

Secretary of State

NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form

FILED

3-11-16 10:33 AM

ARCHIVES DIVISION
SECRETARY OF STATE

Department of Geology and Mineral Industries

632

Agency and Division

Administrative Rules Chapter Number

Richard Riggs

(541) 967-2053

Rules Coordinator

Telephone

Department of Geology and Mineral Industries, 229 Broadalbin St. SW, Albany, OR 97321

Address

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

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

| Hearing Date | Time | Location | Hearings Officer |
|--------------|-----------|--|--------------------------|
| 4-19-16 | 5:00 p.m. | Geiser Grand Hotel, Cellar Room, Baker City Oregon | Richard Riggs, Assistant |
| 4-12-16 | 2:00 p.m. | Albany City Hall, Santiam Room, Albany Oregon | Richard Riggs, Assistant |

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:**AMEND:**

OAR 632-030-0016 and 632-030-0022

REPEAL:

Temporary rules OAR 632-030-0016 and 632-030-0022

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.**AMEND AND RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.**Statutory Authority:**

ORS 516.090 and ORS 517.840

Other Authority:**Statutes Implemented:**

ORS 517.750; ORS 517.753; ORS 517.755; ORS 517.800

RULE SUMMARY

Establishes reporting requirements for exclusion certificates (EC) and establishes application fee schedules and deadlines. EC applications for sand, gravel, aggregate and crushed stone mines, fee is \$400 with a deadline of September 30, 2016. EC applications for metal placer mine disturbing more than 1,500 cubic yards of material fee is \$400; EC application fee for metal placer miners disturbing less than 1,500 cubic yards disturbance is \$150; all metal placer miner EC applications must be received on or before July 31, 2017. All EC annual renewal fees are set at \$150 by statute (ORS 517.753).

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

| | | |
|--|------------------------|---------------------------|
| 04-29-2016 5:00 p.m. | Richard Riggs | richard.riggs@state.or.us |
| Last Day (m/d/yyyy) and Time for public comment | Rules Coordinator Name | Email Address |

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

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

FILED
3-11-16 10:33 AM
ARCHIVES DIVISION
SECRETARY OF STATE

Department of Geology and Mineral Industries
Agency and Division

632
Administrative Rules Chapter Number

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

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

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

Statutory Authority:

ORS 516.090 and ORS 517.840

Other Authority:

Statutes Implemented:

ORS 517.750; ORS 517.753; ORS 517.755; ORS 517.800

Need for the Rule(s):

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

Documents Relied Upon, and where they are available:

Enrolled HB 3563 (2015)
Oregon Legislative Information System

Fiscal and Economic Impact:

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

Statement of Cost of Compliance:

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

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

DOGAMI also estimates there are 1,531 metal placer mines that would be required to obtain an exclusion certificate. The overwhelming majority (97%) of these sites are small scale operations disturbing less than 1,500 cubic yards annually; they are oftentimes recreational in nature and may be located on both public and private lands. There may be other covered mining operations that involve other types of minerals, or larger metal placer mining operations that are not recreational, but the number is expected to be a very small percentage (approximately 3%) of the total number of known miners.

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

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

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

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

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

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

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

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

The information required to support the application is basic and it is unlikely operators would require professional services to complete the application. Similarly, annual reporting would require only information on the amount of minerals extracted and acreage of additional areas affected by mining. Mining operators would be expected to have this information or be able make such determinations without significant expenditures. No additional record keeping is required other than calendaring the annual renewal.

c. Equipment, supplies, labor and increased administration required for compliance:

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

How were small businesses involved in the development of this rule?

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

Administrative Rule Advisory Committee consulted?: No

If not, why?:

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

| | | |
|--|---------------|---------------------------|
| 04-29-2016 5:00 p.m. | Richard Riggs | richard.riggs@state.or.us |
| Last Day (m/d/yyyy) and Time for public comment | Printed Name | Email Address |

May 5, 2016

Bob Houston (DOGAM) transcribed verbal testimony given on April 12, 2016 as part of the public comment period for the proposed rules 632-030-0016 and 0022.

Public Hearing:

Date and Time: Tuesday, April 12, 2016, 2 p.m. to 4 p.m.

Location: Albany City Hall: Santiam Room, 333 Broadalbin St. SW, Albany Oregon, 97321.

Start of 04/12/2016 Verbal Testimony:

Speaker: Mr. Riggs (DOGAMI):

This hearing I now in session and is being tape recorded to maintain a permanent record. My name is Richard Riggs, and I am the Hearings Officer for the Department of Geology and Mineral Industries. Today is April 12, 2016 and the time is 2:00pm.

The purpose of this hearing is to provide an opportunity for public comment on rules proposed for amendment by DOGAMI regarding Exclusion Certificates. These rules establish reporting requirements for Exclusion Certificates and establish application fee schedules and deadlines.

EC application for sand, gravel, aggregate and crushed stone mines, the fee is \$400 with a deadline of September 30, 2016. EC applications for metal placer mine disturbing more than 1,500 cubic yards of material, the fee is \$400. EC applications for metal placer mine disturbing less than 1,500 cubic yards disturbance, the fee is \$150. All metal placer miner EC's, regardless of cubic yards disturbed, must be... I'm sorry, all applications for metal placer miner EC's, regardless of cubic yards disturbed, must be received on or before July 31, 2017.

All annual EC renewal fees are set in statute ORS 517.753 and the renewal fee is \$150.

In addition to presenting oral comments at this hearing, anyone may submit written comments until 5pm on April 29, 2016, which is the close of the public comment period. Written comments sheets are at the back of the room. You may send written comments to Department of Geology and Mineral Industries, Attention Amy Tennimon, 229 Broadalbin ST., SW, Albany, OR 97321, or by email to ecomments@mlrr.oregongeology.com.

Comments received after the close of the public comment period will not be reviewed or considered by the agency unless the agency decides to extend the public comment period for everyone. DOGAMI will not respond to questions during the hearing. After the close of the public comment period I will prepare a report to the Agency, which will be available from the Agency upon request.

There is nobody here that would like to make public comments at this time. I will close the record and reopen it as people arrive to make comments.

End of 04/12/2016 Verbal Testimony

May 5, 2016

Bob Houston (DOGAM) transcribed verbal testimony given on April 19, 2016 as part of the public comment period for the proposed rules 632-030-0016 and 0022.

Public Hearing:

Date and Time: Tuesday, April 19, 2016, 5 p.m. to 7 p.m.

Location: Gieser Grand Hotel - Cellar Room; 1996 Main St., Baker City, Oregon, 97814.

Start of 04/19/2016 Verbal Testimony:

Speaker: Mr. Riggs (DOGAMI):

This hearing I now in session and is being tape recorded to maintain a permanent record. My name is Richard Riggs, and I am the Hearings Officer for the Department of Geology and Mineral Industries. Today is April 19, 2016 and the time is 5:00pm.

The purpose of this hearing is to provide an opportunity for public comment on rules proposed for amendment by DOGAMI regarding Exclusion Certificates (EC's). These rules establish reporting requirements for EC's and establish application fee schedules and deadlines.

EC application for sand, gravel, aggregate and crushed stone operations, the fee is \$400 with a deadline of September 30, 2016. EC applications for metal placer mine disturbing more than 1,500 cubic yards in a year, the fee is \$400 and if your less than 1,500 cubic yards, the fee is \$150. All metal placer miner must apply on or before July 31, 2017, so next summer.

The annual renewal fee for all EC's whether they are aggregate, sand, gravel, crushed stone, or metal placer miners that are set by statute at \$150, and that's ORS517.753. In addition to presenting oral comments at this hearing, anyone may submit written comments until 5pm on April 29, 2016, which is the close of the public comment period. Written comments sheets are at the back of the room. You may send written comments to Department of Geology and Mineral Industries, Attention Amy Tennimon, 229 Broadalbin ST., SW, Albany, OR 97321, or by email to ecomments@mlrr.oregongeology.com. And that address and email address are on that written comment sheet, so don't feel like you have to write that down.

Comments received after the close of the public comment period will not be reviewed or considered by the agency unless the agency decides to extend the public comment period for everyone. DOGAMI will not respond to questions during the hearing. After the close of the public comment period a report will be prepared by the Agency, which will be available from the Agency on request. And that report will go to our Governing Board and they will consider the comments as they adopt the final rules.

Is there anybody present that would like to present their commits orally at this time? So, I believe Mr. Hart was here first, and then I will go to you. Sorry I do not know your name. Mr. Hardt could you come up and have a seat hear?

Speaker: Ed Hardt (Placer Miner; Baker City, Oregon)

My Name is Ed Hardt, Placer Miner. Address is 2640 14th Street Baker City, Oregon. In 1901, the State of (inaudible) proposed a severance tax on gold. It didn't go very far and it was soon dropped. I, I, (pause). This is a tax as far as I'm concerned. Gold is an elusive metal. It's here, it's there, and it might not be. It's not like sand and gravel were the person could charge so much a yard for the gravel. I'm against this for the simple reason like I state, gold is hard to get. Another thing is the department of geology should check in with the Baker County because we have a natural resource advisory council and anything to do with custom, culture, economics of this county. You have to go through the county. It's not just a State thing, it's a federal thing also and I am really against this. So, that's my...I'll be putting in some written testimony also.

Speaker: Mr. Riggs (DOGAMI):

Absolutely. Thank you Mr. Hardt and please feel free to grab one of those comment sheets at the back.

Speaker: Ed Hardt (Placer Miner; Baker City, Oregon)

I got it.

Speaker: Mr. Riggs (DOGAMI):

Ok, thank you and sir, if you would come up.

Speaker: Arthur Sappington (Virtue mine & Jefferson Mining district):

The name is Arthur Sappington and the residence is 41201 at Virtue Mine road and I am here representing two different parties. One is at the Virtue mine and your placer operations that we have at that mine and the other one is as the coordinator for the Jefferson Mining District. And as the coordinator for the Jefferson Mining District, as it pertains to this documentation, the right to acquire, develop and extract the necessary...extraction the necessary process natural minerals and the earth's products is granted use. It's not a permitted use pursuant to the 1872 locatable mining act of Congress for both patented lands and for locatable mining claims that are as patent.

Congress has also stated in statute that 30usc22 that Except as otherwise provided all valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, shall be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, and in the patent which we have at the mine for the granted, for the placer grounds as well as for our lode ground it says the grant the right of ownership of the land for development extraction necessary processing of natural mineral and earth products is here by granted and the State may promulgate rules to facilitate the development of the mineral estate. There is nothing in the mineral grant of the patent from the 1866 or 1872 that allows the state to restrict any means necessary for the extraction of the mineral estate. For the state to pass any act would be a bill of attainder see US Constitution Article 1 Section 10 Clause 1 “no state shall pass any bill of attainder, ex post facto law or law impairing the obligation of contracts which the patent ground for both the placer operations and lode patent. So what is a bill of attainder? Definition of attainder from Blackwell’s law dictionary is a forfeiture of property and loss of civil rights of a person outlawed. Definition of bill of attainder from there is a legislative enactment an act against a person or persons pronouncing him or them guilty of an alleged crime without trial or conviction according to recognized rules of procedure and passing sentence of death and attainder upon him or them. If an act inflicts a milder degree of punishment than death, it is called a bill of pains and penalties but both are included in the prohibition in the Federal Constitution of article 1. Given the statutes that were pasted that supported the rules that are being in enacted, as both the coordinator for the Jefferson Mining district and as an operator participant in the Virtue mine please need from DOGAMI and the State to give, that the of, given the above how this meeting and this hearing, the proposed rules is not a violation of the state statute ORS 164.075 and the Oregon administration act of 1849 as well as 18 USC4 and 18 USC 241 and 242 and 42 USC 1983 and 1986. Please clarify how the granted specified use of property, a right of law, can be converted into a crime needing a permit to insure state compliance and the cost of the foresaid.

Speaker: Mr. Riggs (DOGAMI):

Thank you Mr. Sappington, if you would like to leave those comments with me I can take them to make sure they are submitted as well.

Speaker: Arthur Sappington (Virtue mine & Jefferson Mining district):

Sure

Speaker: Mr. Riggs (DOGAMI):

Are there any other persons, yes Sir.

Speaker: Chuck Chase (Executive Director: Eastern Oregon Mining Association):

I'm Chuck Chase, Executive Director Eastern Oregon Mining Association and my comments will be short. I think the 1,500 yard, or is it 150?

Speaker: Mr. Riggs (DOGAMI):

1,500

Speaker: Chuck Chase (Executive Director: Eastern Oregon Mining Association):

1,500 or 1,500 yards for \$150 was that correct?

Speaker: Mr. Riggs (DOGAMI):

Yes so fee schedule is if you're above 1,500 CY it would be \$400 for the new application. Below that would be \$150

Speaker: Chuck Chase (Executive Director: Eastern Oregon Mining Association):

That's....you must think these guys get gold. I've seen most of these guys and with the gold they do get the fuel costs are more then they get out of the gold. I think \$150 bucks is kind of an over kill. And I am not sure just how far this goes. The State Legislature keeps passing all these anti-mining bills. And were you can't even mine next to the creek. And I'm not sure what this \$150 permit is going to do for you. I mean is it going to exempt you from these bills that they are passing down there?

Speaker: Mr. Riggs (DOGAMI):

So I'm not here to answer questions. I'm just here to receive comments and that is just the format of the hearing and I apologies for that. (talking)...I'm sure you have questions.

Speaker: Chuck Chase (Executive Director: Eastern Oregon Mining Association):

Well that's fine, that's fine. That is just what I am saying is your asking for money up here and you can't even tell us that it is going to exempt us from all of this garbage that's coming down on that State Legislature. And to buy a permit to go up there, root around in the dirt, hope you get some gold and then come up and get nailed by a law officer for violating state law when you permitted it. I mean you need to get a little clarification in your stuff out there. I mean we do not know what the hell is going on and you want us to permit for something we don't know what the permit's for or what its going to absolve us from. Kay.

Speaker: Mr. Riggs (DOGAMI):

I understand.

Speaker: Chuck Chase (Executive Director: Eastern Oregon Mining Association)

Cool

Speaker: Mr. Riggs (DOGAMI):

Thank you

Speaker: Chuck Chase (Executive Director: Eastern Oregon Mining Association)

You bet

Speaker: Mr. Riggs (DOGAMI):

Are there any other comments? Yes, Ma'am. And I believe you came in late so I'll have you sign in here. Oh, Nice to meet you Jan.

Speaker: Jan Alexander (Minerals Policy Director for EOMA and miner):

Nice to meet you. I am Jan Alexander and I'm Minerals Policy Director for EOMA and also a miner, myself. And my comments on the draft rules, again like Chuck will be short, but I think my concerns are really a little bit different than what I've heard so far. It's my understanding that DOGAMI is not interested in regulating pick and shovel operations and the draft rules really need to make this clear. And I'm just making that assumption just from our conversations, conversations with Rich Angstrom that they really don't want to take on pick and shovel operators. So I think that needs to be made clearer in these draft rules. And then according to the daft rule, the exclusion certificate program covers operations that could be properly excluded from permitting and reclamation requirements. And you find that in 2H. And because all metal mine operations on federal lands must be permitted are required to perform reclamation. Mining operations on federal lands, at lets in my estimation, do not fit the criteria for exclusion certificates in the draft rule. And again see 2H excluded from permitting and reclamation requirements. So you couldn't exclude anyone working on BLM or Forest, because we are not excluded from that. The goals of the exclusion certificate program appear to be two fold to me.

Bringing compliance aggregate producers who are avoiding applying for an operating permit from DOGAMI, and regulates small scale metal mine operators utilizing earthmoving equipment or motorized equipment from Senate Bill 838 on private land. My suggestions to the drafts are as follows. Under number 1 add utilizing earth moving equipment in the operation so that would read Pursuant to ORS517.753, an exclusion Certificate is required for a surface mining operation, and I have added, Utilizing earth moving equipment in the operations, that falls under the yard and acre thresholds for which an operating permit is required. Then under 2, I would add, if the miner, if the operator is mining on Federal land where permitting and reclamation are required, the requirement for submittal of an exclusion Certificate application will be voluntary. And I can see there would be some cases where perhaps an operator on the national forester BLM would also want to be covered by Exclusion Certificate, but it would be totally voluntary. This section would then read pertaining to ownership of the property if the operator Is not the landowner, the operator shall provide written proof of landowner's permission to mine the site on the landowner' property and number 2 if the operator is mining on Federal land where permitting and reclamation are required, the requirement for submittal of an Exclusion Certificate application will by voluntary. And the other thing that I noted that is under 6C I would add excluding acres that have been reclaimed and vegetated to standard. So this section would read Total number of acres affected by the operation excluding acres that have been reclaimed and vegetated to standard. Because especially on the forest and BLM we don't have a cumulative five acres. At the end of the season you put back your ¼ acre of disturbance, put back the topsoil, and you seed it and if the vegetation is established next year then that shouldn't count toward total acres. So those are my comments on this. I think that unlike some of these guys, DOGAMI if they do need the money the small scale placer industry can do a \$150. Almost all of us process from all of our sites less than 1,500 CY. So those are my comments.

Speaker: Mr. Riggs (DOGAMI):

Thank you Jan. I appreciate that.

Speaker: Jan Alexander (Minerals Policy Director for EOMA and miner):

Okay, thanks.

Speaker: Mr. Riggs (DOGAMI):

Is there anyone else that would like to make comments at this time? Yes Sir and have you signed in already?

Speaker: Kim Lethlean:

Yes I have Sir.

Speaker: Mr. Riggs (DOGAMI):

Thank you

Speaker: Kim Lethlean:

My name is Kim Lethlean. I noticed in your proposed rules there is nothing in here pertaining to patented mining ground, which hasn't, It means mineral extraction exclusion here in Baker county. So we have a right, an outright grant to mine without being permitted. So does these new rules fall under that?

Speaker: Mr. Riggs (DOGAMI):

Again Sir I am not here to answer questions, I apologize.

Speaker: Kim Lethlean:

No, but anyway like I said, I'm reading in here in your form there is nothing for patented ground what so ever. I was wondering why is that? How does that effect something that has already been granted through a patented mining ground.

Speaker: Mr. Riggs (DOGAMI):

I understand your concerns and I appreciate you making the comments. Again this is not a question and answer period and that is just the format from the Administrative Procedures Act and so I...

Speaker: Kim Lethlean:

Baker County is unique because it does have the mineral extraction zone for all patented mining ground but there is nothing in here from the State. If you have a mineral extraction zone already, do you need a permit from DOGAMI?

Speaker: Mr. Riggs (DOGAMI):

Again Sir I am not, I can't answer, this is not a question and answer period.

Speaker: Kim Lethlean:

These are the questions that need to be addressed.

Speaker: Mr. Riggs (DOGAMI):

Of course, thank you.

Speaker: Kim Lethlean:

Okay

Speaker: Mr. Riggs (DOGAMI):

And anybody is there, yes Sir. And if you can state your name Sir.

Speaker: Delbert Ray Edmondson (Miner)

My name is Delbert Ray Edmondson, I'm already on there. Right there at the last sentence almost EC application must be accompanied *by an application fee, now are there one application fee or two application fee. According to there is in plural.*

Speaker: Mr. Riggs (DOGAMI):

So the, I would ask that you read the rule...That...that

Speaker: Delbert Ray Edmondson (Miner)

What I am saying, does that include a 600 permit that I get from DEQ?

Speaker: Mr. Riggs (DOGAMI):

No that is a separate permitting process through DEQ.

Speaker: Delbert Ray Edmondson (Miner)

Okay

Speaker: Mr. Riggs (DOGAMI):

And these rules do not cover the DEQ permitting process.

Speaker: Delbert Ray Edmondson (Miner)

Right now I'm under the 600 permit with DEQ, I can mine under their jurisdiction for this year is that correct?

Speaker: Mr. Riggs (DOGAMI):

I am very familiar with the WPCF 600 permit and that is not a mining permit, that is a water processing permit.

Speaker: Delbert Ray Edmondson (Miner)

Well I also have two federal mining claims so that is where I am at and mention acreage. I only average as recreational miner or small miner maybe test hole maybe 1/10 of an acre.

Speaker: Mr. Riggs (DOGAMI):

Again I would point you to the rules that are in the back of the room and have you read through them.

Speaker: Delbert Ray Edmondson (Miner)

And I'm paying \$150 for one measly maybe 3 CY per year with a pick and shovel.

Speaker: Mr. Riggs (DOGAMI):

I understand your concerns Sir.

Speaker: Delbert Ray Edmondson (Miner)

And I would think, it would be already, you wanted to come up with \$150 per annual. But the problem is I don't know about that. You have jurisdiction on Federal Land?

Speaker: Mr. Riggs (DOGAMI):

Again Sir, this is not a question and answer period about the rules, jurisdiction, or anything so I apologize.

Speaker: Delbert Ray Edmondson (Miner)

[inaudible] about. I don't mind what you are trying to accomplish. Where does this \$150 that everyone pays in goes? Where does it go?

Speaker: Mr. Riggs (DOGAMI):

So in general, fees that are collected by the agency go to support agency operations.

Speaker: Delbert Ray Edmondson (Miner)

Operation?

Speaker: Mr. Riggs (DOGAMI):

Yes Sir.

Speaker: Delbert Ray Edmondson (Miner)

None going for reclamation work?

Speaker: Mr. Riggs (DOGAMI):

No, we can talk about that after the hearing, if you like.

Speaker: Delbert Ray Edmondson (Miner)

That's the problem I've been have with when I understand it. Because I need to know, why you guys want \$150 for a small acreage. 2, 3 CY per year that's all I do.

Speaker: Mr. Riggs (DOGAMI):

I understand. Thank you.

Speaker: Delbert Ray Edmondson (Miner)

And why am I paying \$150 for a small operation, when these other guys like Oregon Concrete and Aggregate Producers Association produces a whole hell of a lot more....and for \$100.

Speaker: Chuck Chase (Executive Director: Eastern Oregon Mining Association)

Just one thing that I would like to add to my testimony.

Speaker: Mr. Riggs (DOGAMI):

Mr. Chase go ahead.

Speaker: Chuck Chase (Executive Director: Eastern Oregon Mining Association)

Chuck Chase. Like Ed referred to, the Baker County has a natural resource committee and we coordinate. And the State is obligated to coordinate with the county without arbitrarily passing ordinances that would affect the county. So you might want to take that into consideration when you go back to Salem.

Speaker: Mr. Riggs (DOGAMI):

Thank you. Are there any other comments that anyone would like to make this evening? Again seeing that nobody else raised their hand, I anyone like to make written comments or just not sure what you want to say tonight, please take the written comment form. They are on the back, on the chairs along the wall there.

Speaker: Unknown

How many pages?

Speaker: Mr. Riggs (DOGAMI):

As many pages as you would like to submit Sir, you can write up. But the forms are back there, take those with you. If you have friends that you think would want to comment, take those. The mailing address and email address is on that form that you can submit your comments to. Yes, Mr. Sappington.

Speaker: Mr. Sappington

Point of clarification. So this isn't a public informational meeting, this is just for hearing comments.

Speaker: Mr. Riggs (DOGAMI):

Thanks correct. This is just to receive comments from the public on the proposed rules.

Speaker: Mr. Sappington

So, how do we address to Dogami the fact that they have not properly participated in the public information disclosure.

Speaker: Mr. Riggs (DOGAMI):

You can make those comments if you believe that is the case as your public comments and I believe you did Sir that you made those comments. So if you have concerns about the process or rules or whatever, this is your opportunity to make those comments and those comments will be considered by the board.

Speaker: Unknown:

Is it going to do any good?

Speaker: Mr. Riggs (DOGAMI):

Again, I can't speak to what the Board going to, they will consider all of the comments, that is what I can guarantee. What they do with those comments, I don't know. Yes Sir.

Speaker: Unknown:

Is it possible to tell those people, the governing board, is it possible \$150 for 1500 yards, can it be prorated because of reduced yardage? Let's say for example...

Speaker: Mr. Riggs (DOGAMI):

So why don't you come up here so we get your comments on the record and state your name again and then

Speaker: Delbert Ray Edmondson (Miner)

My name is Delbert Ray Edmondson and I was looking at [inaudible] I'm formally a contracting officer for [inaudible] and we do business. Is it possible at \$150 for 1,500 yards, is it possible to prorate, say I only excavate 10 yards this summer over 12 consecutive months. That would cost me 20, 25 dollars.

Speaker: Mr. Riggs (DOGAMI):

So again, I can't answer that...but I understand your concern that you would like to have it prorated fees.

Speaker: Delbert Ray Edmondson (Miner)

I think It would be better for everybody, I think. Because these small little claim owner aren't going mining that big of a yard, no way.

Speaker: Mr. Riggs (DOGAMI):

I understand, thank you. Are there any other comments? Mr. Hardt. Yes please

Speaker: Ed Hardt:

Ed Heart, I would like to add a little more to my comment. In 2001, Baker county sent to every in the State, every agency in the United States, a copy of our natural resource and I think maybe all of them just filed [inaudible] thought there was no teeth is law. So I would suggest that when you go home, back to Albany or wherever you're stationed and look back in your archives and see if you have a copy of that. If not I think Baker County can send you a brand new one. Because it's been upgraded. So we wish you would come to Baker County and coordinate with the county on this.

Speaker: Mr. Riggs (DOGAMI):

Thank you Mr. Hardt.

Speaker: Chuck Chase

That's federal law and it includes the state two.

Speaker: Mr. Riggs (DOGAMI):

So Mr. Chase if you could say that a little bit louder so that we can catch your comments and then I will let the lady speak.

Speaker: Chuck Chase

That is federal law to coordinate, the state has to coordinate, if you come into Baker county and affect the life and economy of that county you are required to coordinate with the County Commission.

Speaker: Mr. Riggs (DOGAMI):

Thank you Sir. Ma'am if you would like. And have you signed in?

Speaker: Carmelito Holland:

No

Speaker: Mr. Riggs (DOGAMI):

I will have you sign in and state your name for the record as well, if you would please.

Speaker: Carmelito Holland"

My name is Carmelito Holland and I have been a reporter around here since 1968. And the economy isn't really too good. Hasn't been for quite a while when the timber industry was taken away from us. And then the BLM took over the mining, started charging everybody. It's just put people out instead of including people so they can work and get ahead. We're losing. We're just, now we got a minimum wage that raised until there is a lot of people that can't pay that. There going out of businesses. And it would be a whole lot better if this State laid off of their high old permit costs and let people do something. It's charge, charge, charge, charge and of course I think there's a big anti-mining feeling in Salem which is mostly due to the fact they don't know what it's about. And as long as there is no understanding what people need in this community, it's just going to get worse as far as mining is concerned. And I don't think the people in the legislature or any of the agencies of the State understand the problems that we have over here. And certainly charging a price like a \$150 for a permit for what under 1,500 yards. We're talking about somebody going out there digging up a shovel full of sand and looking at it and you expect them to pay \$150 bucks. This is not right. And so I hope that people that consider these comments will try to consider the people that's working here. Now most of the people that go out there and mine are 70, 80, there's even 90 year old people out there trying and there is no \$150 available and so I just wish they stop and think and consider what we got back here in this part of the country. And so that's mainly what I am worried about. Thank you.

Speaker: Mr. Riggs (DOGAMI):

Thank you Ms. Holland. Are there any other comments from anybody. That I see a few people in the room that have not yet spoken. Again, feel free to take the written comment sheets if you would like. The hearing is open until 7. I will be here to take comments between 5 and 7 so if you leave and you want to come back, as long as you come back before 7, I will be here to take your comments. And if you wanted just again submit your comments in writing please do so before April 29th at 5:00 PM.

Speaker: Unknown:

That means we got to mail them about 3 days in advance.

Speaker: Mr. Riggs (DOGAMI):

Yes, yes, So at this time I want to close the oral comment record and I will reopen it if there are additional people that show up that want to comment.

End of 04/19/2016 Verbal Testimony

Amy Tennimon

From: Mike Castle [mike@cslsystems.com]
Sent: Wednesday, April 06, 2016 9:58 AM
To: Amy Tennimon
Cc: 'Tim Schauer'
Subject: Questions....

"Why is the aggregate industry proposing this? 1500 yrds is about 15 dump truck loads a year....most aggregate guys do more than that. Is the \$400 buck a year a revenue generator for the association?..... did the people opposing small scale mining see an opportunity....and got a deal to add the "1500 and less" portion... ??"

Hi Amy....this was my response to my mining friend that brought this to my attention. Can you tell us why small scale prospecting even involved?

Sincerely,

Mike Castle Purchasing / Spare Parts Sales



71 South Bertelsen Road
Eugene, Oregon 97402
Phone 541-484-4270
Fax 541-484-5681
Cell 541-206-8073
mike@cslsystems.com

Attachment H EC Rule Written comments 04-29-2016

Amy Tennimon

From: Dwight Keene [sequimuhaul@gmail.com]
Sent: Wednesday, April 06, 2016 9:59 AM
To: Amy Tennimon
Subject: EC fees.

As a small scale miner with interests in Oregon, the proposed annual EC fee at \$150.00 is out of line with the level of activity and recovery most s/c miners will engage in. I am opposed to this fee. It would best serve the mining community and the State of Oregon if no fees, or possibly a small administration fee such as \$10.00 were considered instead.

Respectfully, Dwight Keene.

Amy Tennimon

From: No Yaks [billamicasr@gmail.com]
Sent: Wednesday, April 06, 2016 10:28 AM
To: Amy Tennimon
Subject: Your proposed fees

I am disabled and retired on a fixed Social Security income.

This past season saw the highest increase in Oregon's fishing license fees ever. ODFW by admission has told the fishing community there will be those who cannot afford the new fees. Due to the increase one of my pastimes, the sport of fishing is no longer possible for me.

I read your proposal to mean if I wish to use a placer pan and sift through any amount of material I will have to pay a fee of \$150.00. This will remove me from that activity, the fee is outrageous and by my past usage or disturbing of materials completely unwarranted.

If I were in it to make money off of panning for gold or finding pretty rocks and gems it may be possible to afford to pay a huge fee. Since it is recreational only with a possible small amount of material moved or value retrieved from "MY" born in Oregon natural resources I see your plan as just another way to put controls on and in my later years; no thank you folks.

Please rethink how you will treat the recreational placer miner. I may have as many as 20 user days a year with a pan in hand. That may equate to a few dollars of value retrieved, but of course already offset by the high cost of travel and camping.

I tried to tell the ODFW how their proposed new fees would affect seniors and their response was when I turn 70 in a few years the fees will be automatically reduced. Chances are the person who made the comment has a sizeable government paycheck, is much younger than I, very likely not disabled and thinks his youthful standards should apply to all.

Just don't forget, you may, if you are lucky, get to be as old as I am. When you are, whatever rules you place upon us now will be rules you and yours will have to live with at a later time. Depending upon how the future treats you it may happen you will regret your efforts to place more obstacles in the path of the disable person or seniors.

Regards,
William Lamica
3000 Frontage Rd Spc 26
Reedsport, OR 97467
(503) 400-2719

Amy Tennimon

From: jwarren.4@netzero.net
Sent: Wednesday, April 06, 2016 5:46 PM
To: Amy Tennimon
Subject: Re: Notice of Rulemaking to set fees for small-scale placer metal mining operations- Revised

They can't make it illegal so they make it way to expensive!!!

----- Original Message -----

From: Amy Tennimon <amy.tennimon@mlrr.oregongeology.com>
To: Undisclosed-recipients;
Subject: Notice of Rulemaking to set fees for small-scale placer metal mining operations- Revised
Date: Wed, 6 Apr 2016 16:27:24 +0000

Please see revised, "Read the entire proposed rule here: www.oregongeology.org/mlrr."

From: Amy Tennimon
Sent: Tuesday, April 05, 2016 12:00 PM
Subject: Notice of Rulemaking to set fees for small-scale placer metal mining operations

In 2015, the Oregon Legislature passed House Bill 3563, which was proposed by the Oregon Concrete and Aggregate Producers Association. HB 3563, now in statute as ORS 517.753, requires small-scale mining operations to apply for an exclusion certificate (EC) from the Oregon Department of Geology and Mineral Industries (DOGAMI). EC applications must be accompanied by an application fee, which is set by DOGAMI's Governing Board.

Proposed rules to set fees, deadlines

DOGAMI is currently proposing administrative rules to set fees and deadlines for EC applications. The proposed rules set the application fee at \$150 for metal placer mining operations that disturb less than 1,500 cubic yards in a period of 12 consecutive months. Metal placer mining operations disturbing more than 1,500 cubic yards in a period of 12 consecutive months would pay an application fee of \$400.

The deadline for metal placer mining operators to apply for an EC is proposed as July 31, 2017, or within 90 days after excavation continues, whichever date is later.

Attachment H EC Rule Written comments 04-29-2016

The annual renewal fee for all EC operations, regardless of size, is set in ORS 517.753 at \$150.

Read the entire proposed rule here: www.oregongeology.org/mlrr

Opportunities to comment on the proposed rules

The public comment period for the proposed rules is Friday, April 1 to Friday, April 29, 2016.

Public hearings will be held:

Tuesday, April 12

2 p.m. to 4 p.m.

Albany City Hall: Santiam Room

333 Broadalbin St SW

Albany, OR 97321

Tuesday, April 19

5 p.m. to 7 p.m.

Gieser Grand Hotel: Cellar Meeting Room

1996 Main St

Baker City, OR 97814

Written comments may also be submitted to DOGAMI at 229 Broadalbin St. SW, Albany, OR 97321, or by email to ecomments@mlrr.oregongeology.com. Comments received after 5 p.m. on April 29, 2016 will not be considered.

Attachment H EC Rule Written comments 04-29-2016

Wall Street Daily

Peter Schiff: China Just Armed its Financial Missile

<http://thirdpartyoffers.netzero.net/TGL3232/5705adfb476452dfb156dst03duc>

Attachment H EC Rule Written comments 04-29-2016

Amy Tennimon

From: Richard Riggs
Sent: Tuesday, April 12, 2016 9:17 AM
To: Amy Tennimon
Cc: Rich Angstrom
Subject: Fwd: Comments on EC Rules
Attachments: image009.jpg; image010.png; image011.png; image012.png

Hi Amy

Please include the comments below with any other comments we receive for the HB 3563 rule making.

Cheers

Rich

Richard Riggs
Assistant Director
Dept. of Geology and Mineral Industries
Mineral Land Regulation and Reclamation

Begin forwarded message:

From: Rich Angstrom <rich.angstrom@ocapa.net>
Date: April 12, 2016 at 08:27:41 PDT
To: "Richard Riggs (richard.riggs@mlrr.oregongeology.com)" <richard.riggs@mlrr.oregongeology.com>
Cc: "Bob Short " <bob@rshortassociates.com>, Brant Guido <brant@umpquasand.com>, Chuck Rose <charles.rose@cemex.com>, "Jason Brewer (jason.brewer@basf.com)" <jason.brewer@basf.com>, Katie Jeremiah <katie.jeremiah@ariinc.com>, "Kevin Culligan - Peterson Cat (kmculligan@petersoncat.com)" <kmculligan@petersoncat.com>, Lloyd Town <lloyd@meiselrockproducts.com>, Mark Valentine <markvalentine@windsorrockproducts.com>, "Mary Castle (mary.castle@weyerhaeuser.com)" <mary.castle@weyerhaeuser.com>, Michael Wagy <michael.wagy@calportland.com>, Phil Wuest <pjw@bhlaw.com>, Randy Romeo <rromeo@oldcastlematerials.com>, Rich Angstrom <rich.angstrom@ocapa.net>, Ryan Miller <millerandsons@centurytel.net>, sandy ocapa.net <sandy@ocapa.net>, Steve Mote <steve.mote@kniferiver.com>, Todd Baker <toddbaker@baker-rock.com>, "Bernard Smith - Westlake Consultants, Inc" <bsmith@westlakeconsultants.com>, Chad Blanchard <cblanchard@calportland.com>, "Chris Peterson (CPeterson@epbb.com)" <CPeterson@epbb.com>, "Dorian Kuper (dorian@kupercon.com)" <dorian@kupercon.com>, Dorothy Hilburn <dorothy.hilburn@oldcastlematerials.com>, "Erick Staley (estaley@geodesigninc.com)" <estaley@geodesigninc.com>, Evan Church - MSHA <church.evan@dol.gov>, Fred Kamph <kamphrock@comcast.net>, "Grant Newport (grant.newport@weyerhaeuser.com)" <grant.newport@weyerhaeuser.com>, Heather Smith - MSHA <Smith.Heather@dol.gov>, Jake Miller <jakemiller@baker-rock.com>, Janna Aginsky <jaginsky@schwabe.com>, "Jayne Clarke (Jayne@pioneer asphaltinc.com)" <Jayne@pioneer asphaltinc.com>, "jeff.steyaert@kniferiver.com" <jeff.steyaert@kniferiver.com>, Lynn Gullickson <lynn.gullickson@kniferiver.com>, Mark Valentine <markv@windsorrockproducts.com>, Martha Pagel <mpagel@schwabe.com>, "Matthew Ellsworth (ellsworth@miningamerica.org)" <ellsworth@miningamerica.org>, "ponder@valleyequip.com" <ponder@valleyequip.com>, "prh@bhlaw.com" <prh@bhlaw.com>, Randy Hledik <randyh@wildish.com>, "Rose, Chuck" <CRose@cemexusa.com>, "Roy Garrison

Attachment H EC Rule Written comments 04-29-2016
(rgarrison@geodesigninc.com)" <rgarrison@geodesigninc.com>, Sarah Stauffer Curtiss <sscurtiss@stoel.com>, Steve Bruce <steve@skookumwater.com>, Steven Pfeiffer <spfeiffer@perkinscoie.com>, "Tyler McCallum (tylerm@mccallumrockdrilling.com)" <tylerm@mccallumrockdrilling.com>

Subject: Comments on EC Rules

Rich,

Thank you for the opportunity to comment on the EC rules. I appreciate your efforts to contain the unintended effect from the fee bill. I hope to continue to work with you on addressing this next session. Just a few points:

- 1) I checked with the OCAPA members and we are fine with the changes the department makes to the consolidations of fees for the Limited Exempt mines. This change, I am told, is current practice within the industry's payment to DOGAMI.
- 2) The EC report should clearly state that the operator report the volume removed and the acreage disturbed per requirements within statute. I suggest modifying (2)(g).
- 3) The EC report of 60 months past activity is excessive. OCAPA is comfortable with 24 month look back. A 5 year look back likely will open up past issues. OCAPA would rather implementation of the law be prospective and not have the department spend time, while the department is short staffed, chasing down violations from 5 years ago.
- 4) The fee schedule proposed considers the size of the operation and is appropriate. OCAPA is in agreement with the fee schedule.
- 5) The timing of implementation of the rule allows OCAPA the opportunity to correct the collateral extension of the fee bill in to the gold placer community. We agree with this approach.

Good work on this and again thank you for the opportunity to review these rules. I will try to attend the Albany meeting to discuss this with you and staff.

Richard Angstrom | President
Oregon Concrete & Aggregate Producers Association
737 13th St. SE, Salem, Oregon 97301
P 503-588-2430 | F 503-588-2577 | C 503-931-4323



rich.angstrom@ocapa.net | www.ocapa.net |

Attachment H EC Rule Written comments 04-29-2016

Amy Tennimon

From: tkwally2010@yahoo.com
Sent: Monday, April 25, 2016 4:57 PM
To: Amy Tennimon
Subject: ec

I see my good ole government is trying yet again to close down the poor miner. Do you really think it is justified to be charged \$150.00 so I can run a small sluice box and pan for perhaps 2 weekends each summer? what if I move each weekend to another camping area, then I get to pay another \$150.00 to a government agency that has no business messing with gold miners in the first place. What you are forcing me to do is, file a claim somewhere, do my mining, and point at the 1872 mining laws when you come calling. I am a miner and a property owner, and I will not pay for something as unjust as this! tony walton

Sent from Windows Mail

Attachment H EC Rule Written comments 04-29-2016

Amy Tennimon

From: Roland Nelson [nelsonfm123@outlook.com]
Sent: Tuesday, April 26, 2016 8:51 AM
To: Amy Tennimon
Subject: FEES FOR PLACER MINING OPERATIONS

First off to make believe that any industry would propose any new fees or paperwork (HB 3563) on themselves is totally unthinkable and unbelievable as well as a total farce. Secondly you people are completely out of your sick minds if you think any miner is going to pay any fee to you for the right NOT TO MINE! Since 835 bans such mining. As for federal mining claims you should check federal law since the US government is the only entity that can charge fees on federal lands period. I also, hope that in your infinite wisdom that you planned for the loss of revenue to the small communities; that I and other miners bring in to them and will make it up to them in free tax dollars. This wasn't done in California and those communities lose roughly 15 million a year and that state doesn't care if they have jobs or not. Please don't hurt your tax payers the job you save just might be yours. Thank you for you time Roland Nelson



Attachment.H EC Rule Written comments 04-29-2016

RECEIVED
MLRR
APR 29 2016

RECEIVED
MLRR
APR 28 2016

April 27, 2016

Bill Harvey
Commission Chair
bharvey@bakercounty.org

Submitted Electronically To: ecomments@mlrr.oregongeology.com

The Baker County Board of Commissioners are greatly concerned about the proposed new rules from DOGAMI.

- 1) It will add a financial burden by charging \$150 per claim (working) if not a contiguous parcel.
- 2) There are new regulations and reporting requirements in place for small parcels that are less than 1500 cubic yards that previously didn't exist.
- 3) The new regulations, in regards to excavation or other land disturbance operations, could include many activities outside of farming and mining; such as road building, new home construction ditch building or repairing and parking area construction.

This draft now installs many regulations and reporting requirement that were never before in place and we are concerned where this could lead. This could now require having to report any and all land disturbance by anyone that has not been required to do so before; such as a homeowner, county government, school districts, water districts and logging companies.

The DOGAMI department tells us that they do not have the manpower and time to process larger scale projects. This will only serve to delay projects and add to the cost of doing any activity in land disturbance.

In 2001 Baker County took the position to be a fully involved coordinating County as the law allows. We say this to defend the position that your agency has failed to coordinate with Baker County in your new proposed rule process. Baker County should have been addressed in the beginning of the planning process to avoid the circumstance that we now find ourselves in.

We are now requesting on behalf of our citizens that we come together through the coordination process and reach for consistency in our Natural Resource plans.

Best Regards,

A handwritten signature in blue ink, appearing to read "Bill Harvey".

Bill Harvey, Chairman
Baker County Board of Commissioners

Attachment H EC Rule Written comments 04-29-2016

COPIES OF THIS LETTER HAVE BEEN SENT TO THE FOLLOWING:

Oregon Representative Cliff Bentz
900 Court St. NE., H-479
Salem, OR 97301
Rep.cliffbentz@state.or.us

Oregon Senator Ted Ferrioli
900 Court St. NE., S-323
Salem, OR 97301
Sen.tedferrioli@state.or.us

Oregon Representative Greg Smith
900 Court St. NE, H-482
Salem, OR 97301
Rep.gregsmith@state.or.us

Brad Avy
State Geologist and Director
800 NE Oregon St., Suite 965
Portland, OR 97232
Bard.avy@state.or.us

Holly Mercer
Assistant Director
800 NE Oregon Street, Suite 965
Portland, OR 97232
Holly.mercer@state.or.us

Richard Riggs
Asst. Director
229 Broadalbin St. SW
Albany, OR 97321
Richard.riggs@mlrr.oregongeology.com

April 27, 2016

Attachment H EC Rule Written comments 04-29-2016

Oregon Department of Geology and Mineral Industries
800 NE Oregon St, Suite 965
Portland, Oregon 97232

RECEIVED
MLRR
APR 28 2016

Gentlemen:

This responds to your Notice of Proposed Rulemaking regarding proposed administrative rulemaking in response to HB 3563. Specifically, I obtained an undated DRAFT 632-030-0016, Exclusion Certificates document from your website which I assume is the subject document.

I am a small miner, mining gemstones and semi-precious minerals in Oregon. Presently, all of my operations occur on Federal land in Oregon. I am concerned that the proposed rule is ambiguous as applied to my operations in general and to my operations on Federal land in particular. I generally mine Oregon Sunstone, a crystalline feldspar. Technically it is a non-metallic, semi-precious gemstone. I cannot determine if my operations are even subject to the proposed rule. The language in HB 3563 states:

...a person must obtain an exclusion certificate from the State Department of Geology and Mineral Industries to engage in surface mining that results in the extraction of 5,000 cubic yards or less of minerals or affects less than one acre of land within a period of 12 consecutive months.

This statement appears to be spectacularly inclusive as my particular operation results in the extraction of one or two cubic feet of Oregon Sunstone in a good year, from a disturbance of less than one acre per year.

The DOGAMI website (04/01/2016) states:

Small-scale aggregate and metal placer mining operations are required to apply for an exclusion certificate...

The FAQ's linked with the DOGAMI website regarding fees for an EC state:

- b. \$400 for metal placer mining operations disturbing more than 1,500 cy...**
- c. \$150 for metal placer mining operations disturbing less than 1,500 cy.**

It appears that my non-metallic surface disturbance mining operations do not require a certificate or a fee.

Attachment H EC Rule Written comments 04-29-2016

Again from the FAQ's:

What type of mining operations must apply for an EC? All mining operations (placer, aggregate, industrial minerals, etc.)...

So now I am back in the program, along with lode metallic mineral mining operations ("All mining operations").

There is no consistency throughout the legislation or explanatory information. The simple solution is to remove all references to metallic or non-metallic mineral extraction unless the amount of disturbance exceeds 5 acres.

As imprecise as the definition of the type of mining activity intended to be regulated by the legislation, the more significant question is whether it is to apply to mining on Federal land? I have been told that it is. Which immediately begs the question of, why? I have been told by DOGAMI staff that the state has concerns regarding the adequacy of Federal management of mining activity on Federal land. But this is a programmatic issue to be resolved with Federal land management agency managers, not an issue or problem for individual mining operations.

BLM and USFS regulation of mining activity is rigorous to the point of over-regulation. The agencies have more professional staff devoted to regulating mining operations on Federal land than does DOGAMI for the entire remainder of the state. Does the state intend to retain and deploy duplicative regulatory staff to monitor mining activity on Federal land? Does the state have sufficient personnel who can be diverted to such tasks?

All mining operations on Federal land must submit detailed development plans. Performance bonds must be provided for every operation to cover reclamation and restoration costs. Plans and bonding requirements are routinely reviewed and modified as required. Does the state intend to duplicate these processes?

If the state desires to tabulate the details and extent of mining activities on Federal land, the BLM already maintains this information in the LR2000 database. The status of all mining claims, Notices of Operation, Plans of Operation and performance bonds is available.

The BLM encourages mining operations disturbing over 5 surface acres to obtain an operating permit from the state. As a result, very few mining operations for locatable minerals exceed 5 acres so as to remain beneath the state regulatory threshold.

Therefore, there do not appear to be any substantive reasons why the state should duplicate the regulatory oversight by Federal land managers of mining activity on Federal land. Unless, the whole exercise is simply a scheme to extract revenue from a new class of workers, i.e. miners working on Federal land. Besides being a basically bad idea, it would be impractical to create a new bureaucratic organization to monitor such a relatively small number of miners operating on Federal land.

Attachment H EC Rule Written comments 04-29-2016

In summary, HB 3563 is concise as written; anyone in Oregon mining one shovel-full of dirt is required to obtain an exclusion certificate, pay an application fee, and file annual reports and fees. This would appear to apply to someone digging agates with a shovel on the beach ("5,000 cubic yards or less"). If this was not the intent of the legislation, it should be amended.

The proposed rules appear to create a duplicate regulatory process for miners operating on Federal land. The only purpose of the legislation appears to be as a revenue generator. In addition, the proposed rules are vague, contradictory and impose an unnecessary burden on a small group of Oregon miners. The rulemaking should be suspended until the underlying legislation is corrected.

The legislation should be amended to specifically exempt from state mining permits all mining operations for locatable minerals on Federal land with a total surface area disturbance of 5 acres or less. This is consistent with Federal mining regulations. Rules should then be developed consistent with the amended legislation specifically exempting small-scale mining for locatable minerals on Federal lands. Thank you for your consideration.

Sincerely

A handwritten signature in black ink that reads "Dick Taug". The signature is written in a cursive, flowing style.

Dick Taug
1625 NE 205th Ave.
Fairview, Or 97024
503.669.0189

Received 4/19
Attachment H EC Rule Written comments 04-29-2016
April 19, 2016

Oregon Department of Geology and Mineral Industries
229 Broadalbin Street SW
Albany, OR 97321-2039
Atten: Reviewing Officer for Comments on Draft Rules for Exclusion Certificates

Re: Comments on Draft Rules for Exclusion Certificates-632-030-0016

Dear Sir:

It is my understanding that DOGAMI is not interested in regulating pick and shovel type operations. The Draft Rule should make this clear.

According to the Draft Rule, the Exclusion Certificate program covers operations that can be "*properly excluded from permitting and reclamation requirements*" ((2) (h)). Because all metal mine operations on Federal Lands must be permitted, and all are required to perform reclamation, mining operations on Federal Lands do not fit the criteria for Exclusion Certificates in the Draft Rule. (see ((2) (h) "*excluded from permitting and reclamation requirements*").

The goals for the Exclusion Certificate program appear to be twofold: (1) to bring into compliance aggregate producers who are avoiding applying for an Operating Permit from DOGAMI and (2) to regulate small scale metal mine operators utilizing earth moving equipment on private land.

My suggested changes to the Draft are as follows:

Under (1) add **utilizing earth moving equipment in the operation.**

This section should then read:

*(1) Pursuant to ORS517.753, an exclusion Certificate is required for a surface mining operation **utilizing earth moving equipment in the operation**, that falls under the yard and acre thresholds for which an operating permit is required.....*

Under (2) add **(ii) if the operator is mining on Federal land where permitting and reclamation are required, the requirement for submittal of an Exclusion Certificate application will be voluntary.**

This section should then read:

*(2) (c) The ownership of the property (i) if the operator is not the landowner, the operator shall provide written proof of land owner's permission to mine the site on the landowner's property and (ii) **if the operator is mining on Federal land where permitting and reclamation are required, the requirement for submittal of an Exclusion Certificate application will be voluntary.***

Attachment H EC Rule Written comments 04-29-2016

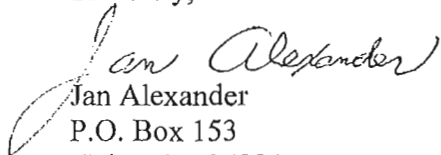
Under (6) (c) add **excluding acres that have been reclaimed and vegetated to standard.**

This section should then read:

*(6) (c) Total number of acres affected by the operation **excluding acres that have been reclaimed and vegetated to standard.***

I appreciate this opportunity to make comments on the Rules for Exclusion Certificates-632-030-0016

Sincerely,


Jan Alexander
P.O. Box 153
Unity, OR 97884
541-446-3413

Received 4/19
RST

Attachment H EC Rule Written comments 04-29-2016
Notes for 4/19/2016 by Arthur Sappington

The right to the acquisition, development, extraction and necessary processing of natural mineral and earth products is a granted use not a permitted use pursuant to the 1872 Locatable Mineral Act of Congress for patented, and locatable mining claims that are "as patent".

Congress has stated in statute 30USC22 "Except as otherwise provided, all valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, shall be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase," and in the patent is stated "Grant the right of ownership of the land for development extraction and necessary processing of natural mineral and earth products "is here by granted and the State may promulgate rules to facilitate the development of the mineral estate". There is nothing in the mineral grant of 1866 or 1872 that allows the state to restrict the means necessary for the extraction of the mineral estate.

For the state to pass any act would be a bill of attainder see US Constitution Article 1 Section 10 Clause 1 " No state shall... Pass any Bill of Attainder, ex post facto Law or Law impairing the Obligation of Contracts,..."

What is a Bill of Attainder?

Definition of Attainder; The forfeiture of property and loss of civil rights of a person outlawed.

Definition of Bill of Attainder; A legislative enactment "an ACT" against a person or persons pronouncing him or them guilty of an alleged crime without Trial or conviction according to recognized rules of procedure and passing sentence of death and attainder upon him or them. If an act inflicts a milder degree of punishment than death, it is called a " bill of pains and penalties," but both are included in the prohibition in the Federal Constitution.

Please state given the above how this meeting and the proposed rule is not violating state statute ORS 164.075, the Oregon Admissions Act of 1849, as well as 18 USC 4, 18 USC 241&242, 42 USC 1983&1986.

Please clarify how a granted specified use of property (a right in Law) can be converted into a crime needing a permit to insure state compliance and oversight.

Staff Report and Memorandum

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

From: Brad Avy, Director

Date: June 2, 2016

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

Director Avy will provide an update to the Board regarding this legislative concept.

Proposed Board Action: No Board action is required.

Staff Report and Memorandum

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

From: Holly Mercer, Assistant Director

Date: May 26, 2016

Regarding: Agenda Item 7 – Public Records Request Policy and Procedure

Attached is the DOGAMI Public Records Request Policy and Procedure. This document has been reviewed by legal. The Board and staff will review and discuss the proposed policy and procedure.

Proposed Board Action: The Board approves the proposed Public Records Request Policy and Procedure as presented.

DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES

POLICY AND PROCEDURE

TITLE: PUBLIC RECORDS REQUESTS
NUMBER: ADM 2016-01

Approved by: Governing Board
Date: TBD

Approved by: Brad Avy, Director/State Geologist
Date: TBD

Policy

The Department of Geology and Mineral Industries (DOGAMI) complies with the Oregon Public Records Law and responds to public record requests as soon as practicable and without unreasonable delay, in the manner described below. ORS 192.440(7) requires every public body to make available to the public a written procedure for making public record requests.

a. Making a public records request

Public records requests must be made in writing, and include at minimum the requestor's first and last name, name of the organization or entity the requestor is representing (if applicable), requestor's contact information, and a detailed description of the records being requested.

Public records requests may be made by email, via an online web form, or sent by mail to:
Oregon Department of Geology and Mineral Industries
Lori Calarruda, Public Records Coordinator
800 NE Oregon Street, Suite 965
Portland, OR 97232

b. Costs/Fees

The Oregon Public Records Law allows agencies to recover their actual costs in fulfilling a public records request. If the estimated fee is greater than \$20.00, DOGAMI will provide the requestor with written notice of the estimated amount of the fee. In such instances, the DOGAMI Public Records Coordinator will not fulfill the request until the requestor confirms in writing that the requestor wants to proceed with the request and pays the estimated cost.

DOGAMI follows OAR 632-001-0010 in establishing the following fee schedule:

- Standard Copies: \$.15 per page with a minimum charge of \$1.00.
- Labor Charges: at least \$20.00 per hour per person at the discretion of the appropriate supervisor
- Copying of available data, records, or publications electronically for the public will be charged at the minimum rate of \$10.00 per disk copied or as otherwise priced, based upon staff time involved.

- Reproduction using agency equipment by agency personnel of library Open-file Reports or maps from a disk or digital format will carry a minimum charge of \$50.00 to recover costs.
- The department may assess a charge based on the actual cost of labor and materials if the actual costs are significantly greater than the minimum charges or rates established by administrative rule.

c. Fee waivers for public records requests

Requests for fee waivers or reduced fees must be made in writing to DOGAMI's Public Records Coordinator. DOGAMI may furnish copies without charge or at a substantially reduced fee if it is determined that the waiver or reduction of fees is in the public interest because making the records available primarily benefits the general public, per ORS 192.440(5). DOGAMI will determine the appropriateness of requests for fee waivers or adjustments based on the guidance of the relevant statutes and the Attorney General's Public Records and Meetings Manual.

Procedure

| | |
|----------------------------|---|
| Public Records Coordinator | Reviews the public records request to determine if the request information is complete. Requests should contain: Requestor's first and last name Requestor's organization Requestor's contact information (email, phone number, address) A detailed description of the information requested. |
| Public Records Coordinator | Consults with the Assistant Director regarding content of requested information to determine if clarification is needed regarding the request, whether DOGAMI is in custody of the requested information, whether an Assistant Attorney General consultation is needed, and development of a cost estimate for providing the requested information. |
| Public Records Coordinator | Acknowledges receipt of the public records request in writing, within three business days of receiving the request. If request is received by mail, acknowledgement is made by certified letter. Responds to public records requests as soon as practicable and without unreasonable delay with one of the following responses: <ul style="list-style-type: none"> • A statement that DOGAMI does not have custody of the requested records. • A statement that DOGAMI does have custody of the requested records, and |

| | |
|----------------------------|--|
| | <p>will provide records (if estimated cost is under \$20) or will provide a cost estimate for providing the requested records.</p> <ul style="list-style-type: none"> • A statement that DOGAMI is the custodian of some responsive records, an estimate of time in which copies will be provided or inspection will be available, and an estimate of the fees the requestor must pay • A statement that DOGAMI is uncertain whether it possesses any requested records, a cost estimate for searching for requested records and an estimate of time in which a search will be completed; or • A statement that state or federal law prohibits DOGAMI from acknowledging whether the record exists and a citation to the relevant state or federal law. <p>Note: The above responses may also include a statement that some or all requested records are exempt from disclosure under 192.410 to 192.505.</p> <p>If a requestor fails to respond to inquiries for clarification, cost estimates, or any other communication from DOGAMI within 10 business days, the status of the request will be changed to "Non-Responsive Requestor."</p> <p>Non-responsive requests may be resubmitted and will be processed as a new request.</p> |
| Public Records Coordinator | Enters the requestor's name, organization, the nature of the request, and the status of the request in the Public Records Log and updates the Public Records Log on a weekly basis. |
| Public Records Coordinator | Prepares and sends an invoice to requestor if costs are incurred by DOGAMI. The request will not be processed until payment is received. |
| Public Records Coordinator | Coordinates with the Assistant Director and staff to gather requested records. Reviews requested records for exempt records, and consults with the Assistant Attorney General as needed. |

| | |
|----------------------------|---|
| | Consults with Agency Director and Communications Director as needed. |
| Public Records Coordinator | Processes and completes the request by providing requested records, and attaches the requested documents to the Public Records Log. |

Staff Report and Memorandum

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

From: Kim Riddell, Chief Financial Officer

Date: June 2, 2016

Regarding: Agenda Item 8 – Financial Report

Attached is the DOGAMI Budget Status Report, as of May 27, 2016 for both the Geological Survey and Services (GS&S) Program and the Mineral Land Regulation & Reclamation (MLRR) Program.

Proposed Board Action: The Budget Status Report be Approved/Not Approved as presented.

Department of Geology & Mineral Industries
Budget Status Report: As of May 27, 2016

| | |
|----------------------------|--------------------------------|
| % of Biennium Spent 46% | % of Biennium Remaining 54% |
|----------------------------|--------------------------------|

Geological Survey & Services (GS&S) Program

| Budget Category / Line Item | 2015-17 Budget by Funding Source | | | | 2015-17 Revenue & Expenditures | | | | Spent Budget | | | | Remaining Budget | | | |
|--|----------------------------------|---------------------|-------------------|---------------------|--------------------------------|---------------------|--------------------|---------------------|--------------|-----|-----|-----------|------------------|-----|-----|-----------|
| | General Funds | Other Funds | Federal Funds | All Funds | General Funds | Other Funds | Federal Funds | All Funds | GF | OF | FF | All Funds | GF | OF | FF | All Funds |
| Revenue | | | | | | | | | | | | | | | | |
| Beginning Balance | - | 1,194,513 | - | 1,194,513 | - | 1,194,513 | - | 1,194,513 | | | | | | | | |
| 2015-17 Revenue | 4,246,695 | 4,273,213 | 5,806,423 | 14,326,331 | 2,089,791 | 1,367,537 | 3,156,587 | 6,613,915 | | | | | | | | |
| Total Available Revenue | 4,246,695 | 5,467,726 | 5,806,423 | 15,520,844 | 2,089,791 | 2,562,050 | 3,156,587 | 7,808,428 | 49% | 47% | 54% | 50% | 51% | 53% | 46% | 50% |
| Expenditures: | | | | | | | | | | | | | | | | |
| <i>Personnel Services</i> | 2,780,131 | 971,415 | 2,370,195 | 6,121,741 | 1,273,883 | 340,968 | 841,967 | 2,456,818 | 46% | 35% | 36% | 40% | 54% | 65% | 64% | 60% |
| <i>Services & Supplies</i> | | | | | | | | | | | | | | | | |
| Instate Travel | 11,921 | 69,486 | 150,519 | 231,926 | 35,120 | 4,817 | 8,662 | 48,599 | | | | | | | | |
| Out of State Travel | 7,177 | 22,405 | 6,294 | 35,876 | 16,557 | 3,659 | 1,497 | 21,714 | | | | | | | | |
| Employee Training | 2,569 | 9,933 | 7,956 | 20,458 | 6,986 | 386 | 448 | 7,820 | | | | | | | | |
| Office Expenses | 13,034 | 30,903 | 1,419 | 45,356 | 18,599 | 1,068 | 76 | 19,744 | | | | | | | | |
| Telecomm | 5,728 | 218 | 9,395 | 15,341 | 19,687 | - | - | 19,687 | | | | | | | | |
| State Gov't Svc Chg | 255,945 | 281,976 | 24,406 | 562,327 | 134,655 | - | - | 134,655 | | | | | | | | |
| Data Processing | 10,746 | - | 6,841 | 17,587 | 9,035 | - | - | 9,035 | | | | | | | | |
| Publicity & Publications | - | 3,154 | 57,231 | 60,385 | 10,152 | - | - | 10,152 | | | | | | | | |
| Professional Services | 776,280 | 1,558,824 | 2,666,630 | 5,001,734 | 224,226 | 504,215 | 2,222,743 | 2,951,184 | | | | | | | | |
| IT Professional Services | - | - | - | - | 11,460 | - | - | 11,460 | | | | | | | | |
| Employee Recruitment | 268 | 1,309 | - | 1,577 | - | - | - | - | | | | | | | | |
| Dues & Subscriptions | 1,430 | 795 | 2,109 | 4,334 | 1,428 | - | - | 1,428 | | | | | | | | |
| Facilities Rent | 215,465 | 167,133 | 51,767 | 434,365 | 174,954 | - | - | 174,954 | | | | | | | | |
| Fuels & Utilities | - | - | - | - | 987 | - | - | 987 | | | | | | | | |
| Facilities Maintenance | - | - | - | - | - | - | - | - | | | | | | | | |
| Agency Related S & S | - | - | - | - | 872 | - | 196 | 1,068 | | | | | | | | |
| Intra agency Charges | - | - | - | - | - | - | - | - | | | | | | | | |
| Other Services & Supplies | 154,220 | 413,821 | 54,424 | 622,465 | 10,518 | 64,510 | 128,277 | 203,304 | | | | | | | | |
| Attorney General | 4,640 | (655) | - | 3,985 | 14,835 | - | - | 14,835 | | | | | | | | |
| Undistributed (S&S) | - | - | - | - | - | - | - | - | | | | | | | | |
| Data Processing Hardware | - | - | - | - | 7,720 | 3,588 | - | 11,308 | | | | | | | | |
| Expendable Prop (\$250-\$5 | 7,141 | 18,489 | 27,341 | 52,971 | 5,015 | 443 | - | 5,458 | | | | | | | | |
| IT Expendable Property | - | - | 28,622 | 28,622 | 57,086 | 10 | 1,453 | 58,549 | | | | | | | | |
| Technical Equipment | - | - | - | - | 56,016 | 53 | - | 56,069 | | | | | | | | |
| <i>Total Services & Supplies</i> | 1,466,564 | 2,577,791 | 3,094,954 | 7,139,309 | 815,908 | 582,749 | 2,363,353 | 3,762,010 | 56% | 23% | 76% | 53% | 44% | 77% | 24% | 47% |
| Total Expenditures | 4,246,695 | 3,549,206 | 5,465,149 | 13,261,050 | 2,089,791 | 923,717 | 3,205,320 | 6,218,828 | 49% | 26% | 59% | 47% | 51% | 74% | 41% | 53% |
| GS&S Ending Balance | \$ - | \$ 1,918,520 | \$ 341,274 | \$ 2,259,794 | \$ - | \$ 1,638,333 | \$ (48,733) | \$ 1,589,600 | | | | | | | | |
| There is currently \$185,989 in Unlimited Fund. This is 100% Strong Motion Instrument Funding. | | | | | | | | | | | | | | | | |
| Feb-May Est. | | | | | | | | | | | | | | | | |
| Unallocated Indirect | - | - | - | - | (397,812) | 87,398 | 372,915 | 62,500 | 40% | 28% | 65% | 47% | 60% | 72% | 35% | 53% |

Mineral Land Regulation & Reclamation (MLRR) Program

| Budget Category / Line Item | 2015-17 Budget by Funding Source | | | | 2015-17 Revenue & Expenditures | | | | Spent Budget | | | | Remaining Budget | | | |
|--------------------------------------|----------------------------------|-------------------|---------------|-------------------|--------------------------------|-------------------|---------------|-------------------|--------------|----|----|-----------|------------------|----|----|-----------|
| | General Funds | Other Funds | Federal Funds | All Funds | General Funds | Other Funds | Federal Funds | All Funds | GF | OF | FF | All Funds | GF | OF | FF | All Funds |
| Revenue | | | | | | | | | | | | | | | | |
| Beginning Balance | - | 152,600 | - | 152,600 | - | 152,600 | - | 152,600 | | | | | | | | |
| 2015-17 Revenue | - | 2,979,703 | - | 2,979,703 | - | 1,153,365 | - | 1,153,365 | | | | | | | | |
| Total Available Revenue | - | 3,132,303 | - | 3,132,303 | - | 1,305,965 | - | 1,305,965 | 42% | | | 42% | 58% | | | 58% |
| Expenditures: | | | | | | | | | | | | | | | | |
| <i>Personnel Services</i> | - | 2,216,124 | - | 2,216,124 | - | 954,853 | - | 954,853 | 43% | | | 43% | 57% | | | 57% |
| <i>Services & Supplies</i> | | | | | | | | | | | | | | | | |
| Instate Travel | - | 65,864 | - | 65,864 | - | 22,527 | - | 22,527 | | | | | | | | |
| Out of State Travel | - | - | - | - | - | 488 | - | 488 | | | | | | | | |
| Employee Training | - | - | - | - | - | 1,355 | - | 1,355 | | | | | | | | |
| Office Expenses | - | 29,067 | - | 29,067 | - | 12,217 | - | 12,217 | | | | | | | | |
| Telecomm | - | 44,161 | - | 44,161 | - | 12,440 | - | 12,440 | | | | | | | | |
| State Gov't Svc Chg | - | - | - | - | - | - | - | - | | | | | | | | |
| Data Processing | - | - | - | - | - | - | - | - | | | | | | | | |
| Publicity & Publications | - | 3,281 | - | 3,281 | - | 8,120 | - | 8,120 | | | | | | | | |
| Professional Services | - | 91,305 | - | 91,305 | - | 72,510 | - | 72,510 | | | | | | | | |
| IT Professional Services | - | - | - | - | - | 2,000 | - | 2,000 | | | | | | | | |
| Attorney General | - | 51,373 | - | 51,373 | - | 25,163 | - | 25,163 | | | | | | | | |
| Employee Recruitment | - | - | - | - | - | - | - | - | | | | | | | | |
| Dues & Subscriptions | - | 561 | - | 561 | - | 195 | - | 195 | | | | | | | | |
| Facilities Rent | - | 71,844 | - | 71,844 | - | 38,014 | - | 38,014 | | | | | | | | |
| Fuels & Utilities | - | 10,629 | - | 10,629 | - | 5,817 | - | 5,817 | | | | | | | | |
| Facilities Maintenance | - | 10,595 | - | 10,595 | - | 1,762 | - | 1,762 | | | | | | | | |
| Agency Related S & S | - | - | - | - | - | - | - | - | | | | | | | | |
| Intra agency Charges | - | - | - | - | - | - | - | - | | | | | | | | |
| Other Services & Supplies | - | 32,672 | - | 32,672 | - | 11,172 | - | 11,172 | | | | | | | | |
| Undistributed (S&S) | - | - | - | - | - | - | - | - | | | | | | | | |
| Expendable Prop (\$250-\$5 | - | 4,486 | - | 4,486 | - | 1,871 | - | 1,871 | | | | | | | | |
| IT Expendable Property | - | 26,115 | - | 26,115 | - | 4,337 | - | 4,337 | | | | | | | | |
| <i>Total Services & Supplies</i> | - | 441,953 | - | 441,953 | - | 219,987 | - | 219,987 | 50% | | | 50% | 50% | | | 50% |
| Total Expenditures | - | 2,658,077 | - | 2,658,077 | - | 1,174,839 | - | 1,174,839 | 44% | | | 44% | 56% | | | 56% |
| MLRR Ending Balance | \$ - | \$ 474,226 | \$ - | \$ 474,226 | \$ - | \$ 131,126 | \$ - | \$ 131,126 | | | | | | | | |
| Uncharged Indirect | - | - | - | - | - | 6,250 | - | 6,250 | | | | | | | | |
| MLRR Ending Balance | - | - | - | - | - | 124,876 | - | 124,876 | | | | | | | | |

DOGAMI AY 2015 -2017
Current and Projected Projects

| Grant / PCA | Grant / PCA Title | Award | Expenditure | Remaining |
|--------------------|---|-------------------|-------------------|------------------|
| 32000 | NATURE OF THE NORTHWEST | 17,399 | 28,205 | -10,806 |
| 32400 | LIDAR INDIRECT COST OTHER FUNDS | 128,175 | 0 | 128,175 |
| 32501 | GS & S INDIRECT COST (OF) | 119 | -50 | 169 |
| 32511 | GS & S OPERATIONS INDIRECT COST (OF) | 152 | 0 | 152 |
| 82400 | LIDAR INDIRECT COST (GF) | 0 | 121,895 | -121,895 |
| 82401 | LIDAR DIRECT COST GENERAL FUNDS | 0 | 715 | -715 |
| 82500 | GS & S DEFAULT PAYROLL | 0 | 100,643 | -100,643 |
| 82501 | GS & S INDIRECT COST (GF) | 0 | 539,507 | -539,507 |
| 82510 | GS & S OPERATIONS (GF-NON MATCH) | 0 | 444,683 | -444,683 |
| 82511 | GS & S OPERATIONS INDIRECT COST (GF) | 0 | 287,946 | -287,946 |
| 83090 | HB3089; 2015 REG SESSION; MINERAL STUDY | 0 | 8,036 | -8,036 |
| BFE210 | BASE FLOOD ELEVATION (BFE) DETERMINATION | 5,125 | 4,498 | 627 |
| BLM032 | EASTERN OREGON LIDAR ACQ | 466,002 | 260,836 | 205,166 |
| BLM171 | EUGENE LIDAR ACQ | 1,011,552 | 992,098 | 19,454 |
| BLM271 | GRANTS PASS OREGON LIDAR COLLECTION | 534,800 | 469,112 | 65,688 |
| BLM272 | ROSEBURG, OREGON LIDAR COLLECTION | 886,000 | 638,424 | 247,576 |
| BLM273 | SALEM OREGON LIDAR COLLECTION | 435,930 | 418,842 | 17,088 |
| BLM345 | LANDSCAPE MAPPING MILL CREEK & COOS BAY | 26,933 | 24,423 | 2,510 |
| BLM382 | KENO AOI LIDAR | 281,964 | 278,601 | 3,363 |
| CCB701 | CITY OF CANNON BEACH SAND STUDY | 30,846 | 7,375 | 23,471 |
| CCO013 | CURRY COUNTY ELK RIVER SPIT | 17,808 | 1,758 | 16,050 |
| CF0214 | DAS/CFD: FACILITIES ASSESSMENT | 200,000 | 182,861 | 17,139 |
| COE002 | USACE FLOOD ANAL-LIDR-MIDFORK-WILLR-FERN | 257,464 | 188,045 | 69,419 |
| COE003 | WILLAMETTE VALLEY LEVEE INVENTORY | 20,000 | 19,676 | 324 |
| DEQ515 | DEQ: RIVERBEND LANDFILL ANALYSIS | 10,000 | 5,556 | 4,444 |
| DLC030 | DLCD: NHMP 2014 | 22,500 | 6,464 | 16,036 |
| DOE045 | ODOE: ENERGY FACILITY SITING COUNCIL | 25,000 | 4,377 | 20,623 |
| DSL004 | DSL: MINERAL INDUSTRIES LAYER OF OREGON | 20,000 | 24,997 | -4,997 |
| FEM007 | 2013 CTP AGREEMENT - MAS 12 | 542,493 | 484,450 | 58,043 |
| FEM104 | 2015 CTP MAS18: MULTHAZARD RISK ASMNT | 60,047 | 137 | 59,910 |
| FEM106 | 2015 CTP MAS 20: LANDSLIDE RISK ASMNT | 161,687 | 16,834 | 144,853 |
| FEM107 | 2015 CTP MAS 19: UPPER WILLAMETTE LIDAR | 297,540 | 0 | 297,540 |
| FEM284 | OREGON & WASHINGTON LIDAR | 650,961 | 625,872 | 25,089 |
| FEM288 | RISK MAP ASSESSMENT 2014 CTP MAS 14 | 499,138 | 230,107 | 269,031 |
| FEM289 | PORTLAND LANDSLIDE ASMT 2014 CTP MAS 15 | 175,254 | 76,974 | 98,280 |
| FEM298 | IDAHO LIDAR ASSESSMENT | 454,594 | 442,960 | 11,634 |
| FEMXXX | FEMA CTP 2016 (Pending) | 910,000 | 0 | 910,000 |
| GEO703 | DAS/GEO-WILLAMETTE VALLEY LEVEE INVENTORY | 67,540 | 55,491 | 12,049 |
| GEO815 | DAS/GEO: CUSP & NHD INTEGRATION | 50,000 | 2,287 | 47,713 |
| GFL002 | USG101 3DEP STATE COST SHARING | 770,500 | 153,379 | 617,121 |
| GFL003 | PSOB LIBRARY PROJECT | 0 | 98,999 | -98,999 |
| GFL004 | FUNDING PROPOSAL DEVELOPMENT | 0 | 37,686 | -37,686 |
| GFL005 | PUBLIC OUTREACH AND EDUCATION | 0 | 28,492 | -28,492 |
| GFL006 | PROJECT OVER ALLOCATION | 0 | 36,004 | -36,004 |
| GFL007 | FERC: OLNQ REVIEW | 0 | 3,815 | -3,815 |
| L00001 | OLC CROOKED RIV | 3,561 | 3,423 | 138 |
| L00002 | LIDAR WALLOWA 2015 | 134,291 | 65,560 | 68,731 |
| L00003 | OLC LOWER MALHEUR 2015 | 67,000 | 60,656 | 6,344 |
| L00004 | OLC CHELAN | 43,361 | 43,361 | 0 |
| L00005 | OLC UPPER ROGUE (MEDFORD) | 21,060 | 0 | 21,060 |
| L00006 | LIDAR - OLC SNAKE RIVER | 100,379 | 98,553 | 1,826 |
| L00007 | LIDAR - OLC BENTON-YAKIMA | 21,200 | 21,200 | 0 |
| L00008 | OLC BIG WOOD 2015 | 10,000 | 9,323 | 677 |
| L00011 | OLC FOUR RIVERS | 299,428 | 267,324 | 32,104 |
| L00013 | OLC LANE COUNTY 2013 | 289,721 | 287,502 | 2,219 |
| L00014 | OLC METRO 2014 | 894,110 | 894,110 | 0 |
| L00015 | OLC UPPER UMPQUA (ROSEBURG) | 32,074 | 26,137 | 5,937 |
| L00017 | OLC WASCO 2014 | 298,848 | 218,815 | 80,033 |
| LCG715 | LANE COUNCIL OF GOVERNMENTS | 114,924 | 0 | 114,924 |
| NOA034 | FY 2015 OREGON TSUNAMI HAZARD MITIGATION | 332,955 | 28,924 | 304,031 |
| NOA048 | FY 2014 OREGON TSUNAMI HAZARD MITIGATION | 260,071 | 370,246 | -110,175 |
| NRC039 | NRCS ONTARIO/WALLOWA IRRIGATION | 99,000 | 73,875 | 25,125 |
| NRC078 | NRCS:LIDAR WHITE RIVER WATERSHED, WASCO | 0 | 0 | 0 |
| NRC079 | NRCS:LIDAR WHITE RIVER WATERSHED, WASCO | 50,000 | 50,000 | 0 |
| OEM172 | OEM: RDPO UASI | 247,440 | 28,751 | 218,689 |
| OS1815 | OREGON STATE LIBRARY/LSTA FED (61300) | 39,962 | 37,070 | 2,892 |
| OSU9AA | 2016 OSU ENHANCING LANDSLIDE INV W/LIDAR | 12,157 | 0 | 12,157 |
| PWB202 | LIQUIFACTION OREGON RESILIENCE PLAN | 5,000 | 1,153 | 3,847 |
| UOW562 | NANOS: UNIVERSITY OF WASHINGTON | 278,092 | 48,373 | 229,719 |
| USG086 | LANE SOUTH SISTERS LIDAR | 346,000 | 339,346 | 6,654 |
| USG096 | WHITE RIVER, MILE CREEK, WASCO | 319,000 | 319,000 | 0 |
| USG098 | PORTLAND METRO LIDAR | 56,885 | 56,885 | 0 |
| USG101 | 3D ELEVATION PROGRAM (3DEP) | 695,407 | 576,105 | 119,302 |
| USG180 | SOUTH COAST & MIDDLE COLUMBIA BASIN MAPG | 329,054 | 351,881 | -22,827 |
| USGXXX | USGS Statemap 2016 (Pending) | 165,377 | 0 | 165,377 |
| | USGS Statemap 2016 Match (Pending) | 171,964 | 0 | 171,964 |
| WAS641 | WASHINGTON COUNTY: AREA 93 LANDSLIDE | 36,636 | 341 | 36,295 |
| WRD013 | OWRD DUFUR QUAD MAPPING 2014 | 77,690 | 72,100 | 5,590 |
| WRD216 | OWRD DUFUR QUAD MAPPING 2016 | 100,000 | 9,643 | 90,357 |
| Grand Total | | 15,251,132 | 11,712,662 | 3,538,470 |

Staff Report and Memorandum

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

From: Brad Avy, Director & State Geologist

Date: May 26, 2016

Regarding: Agenda Item 9 – Director’s Report

Director Brad Avy will deliver his report to the Board.

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

Staff Report and Memorandum

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

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

Date: May 31, 2016

Regarding: Agenda Item 10 Key Performance Measures (KPM) Development

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

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

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

Original Submission Date: 2015

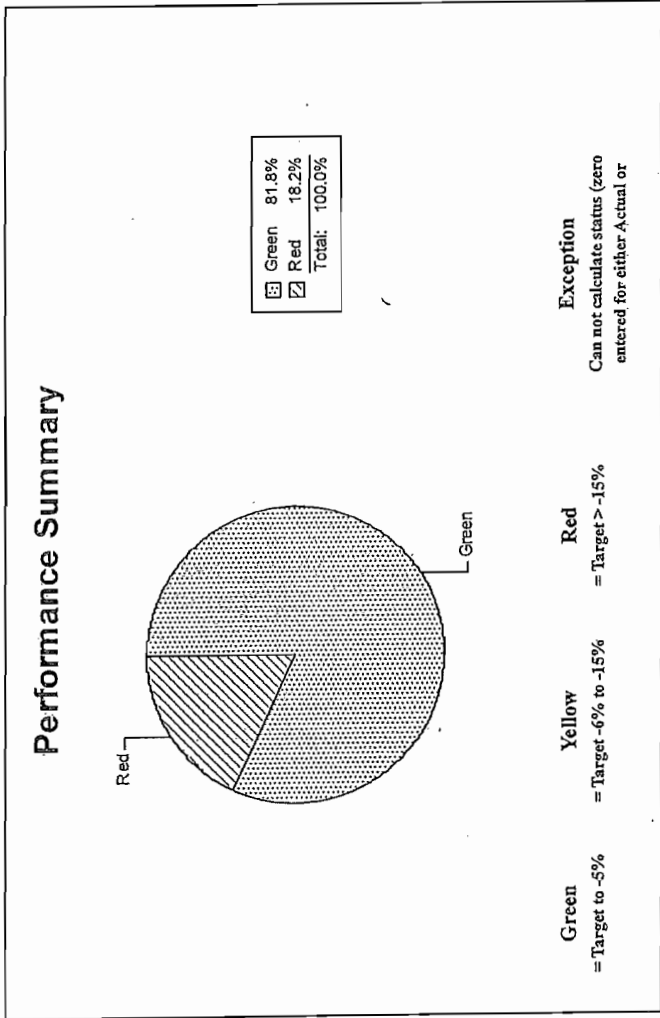
Finalize Date:

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

Proposed Key Performance Measures (KPM's) for Biennium 2015-2017

| New Delete | |
|----------------------|--|
| Title: Rationale: | |

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



I. SCOPE OF REPORT

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

2. THE OREGON CONTEXT

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

3. PERFORMANCE SUMMARY

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

4. CHALLENGES

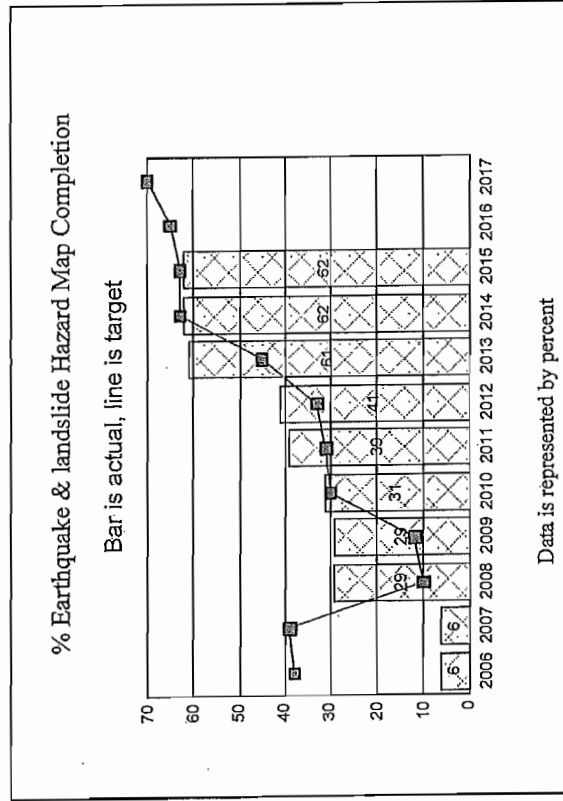
The Department receives approximately 40% of its funding from federal agencies. As a result, the federal sequester and the ending of specific programs (NOAA tsunami mapping) has made predicting federal funds for projects difficult. Some of our program areas, such as coastal erosion and landslide mapping,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

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

5. RESOURCES AND EFFICIENCY

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

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



1. OUR STRATEGY

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

2. ABOUT THE TARGETS

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

3. HOW WE ARE DOING

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

4. HOW WE COMPARE

No comparable data for similar jurisdictions available at this time.

5. FACTORS AFFECTING RESULTS

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

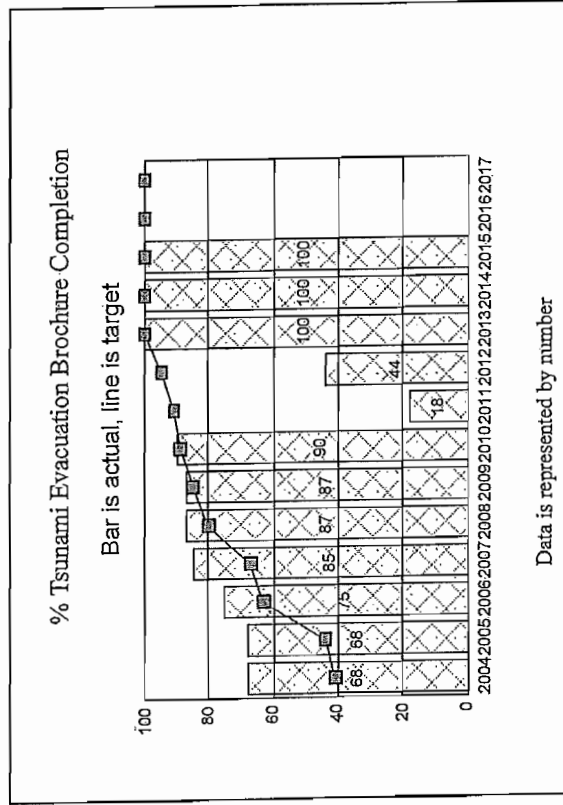
6. WHAT NEEDS TO BE DONE

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

7. ABOUT THE DATA

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

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



1. OUR STRATEGY

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

themselves in when a disaster occurs.

2. ABOUT THE TARGETS

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

3. HOW WE ARE DOING

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

4. HOW WE COMPARE

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

5. FACTORS AFFECTING RESULTS

The Task is complete.

6. WHAT NEEDS TO BE DONE

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

7. ABOUT THE DATA

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

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

2. ABOUT THE TARGETS

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

3. HOW WE ARE DOING

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

4. HOW WE COMPARE

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

5. FACTORS AFFECTING RESULTS

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

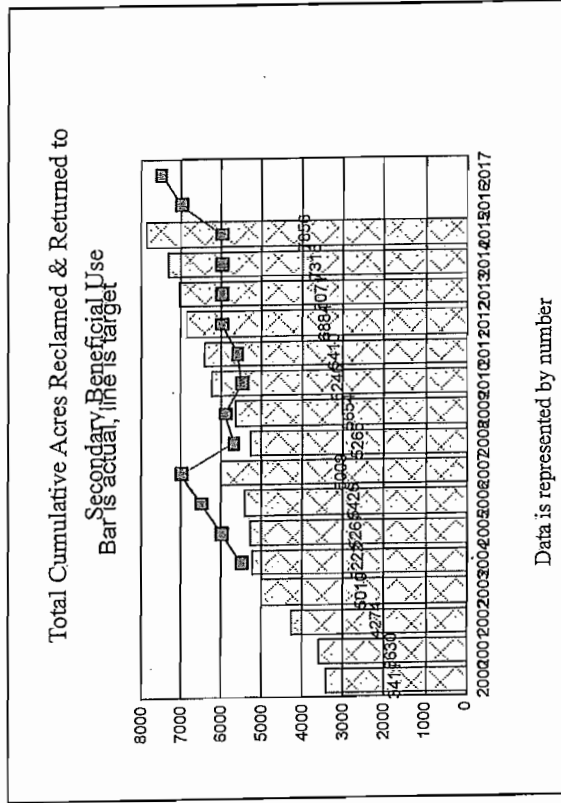
6. WHAT NEEDS TO BE DONE

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

7. ABOUT THE DATA

Information concerning ongoing hazard mitigation activities along the coast can be found at <http://www.oregoneology.org/sub/earthquakes/Coastal/CoastalHazardsMain.htm>.

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



1. OUR STRATEGY

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

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

2. ABOUT THE TARGETS

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

3. HOW WE ARE DOING

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

4. HOW WE COMPARE

Comparison data from a similar jurisdiction is not available.

5. FACTORS AFFECTING RESULTS

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

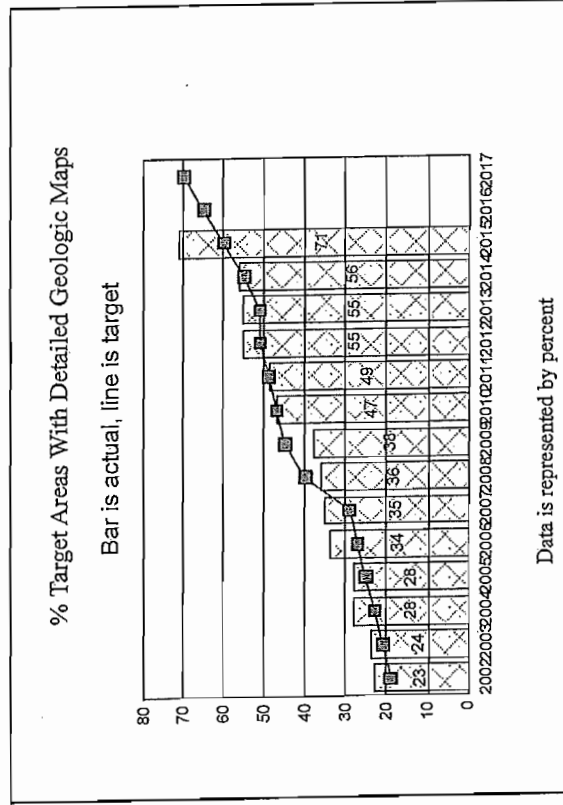
6. WHAT NEEDS TO BE DONE

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

7. ABOUT THE DATA

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

| | | | |
|--|---|---------------------------------|------|
| GEOLOGY & MINERAL INDUSTRIES, DEPARTMENT OF | | II. KEY MEASURE ANALYSIS | |
| KPM #6 | DETAILED GEOLOGIC MAP COMPLETION - Percent of Oregon where geologic data in the form of high resolution maps have been completed to be used for local problem solving. | | 2005 |
| Goal | Initiate and conduct studies and surveys of the geological and mineral resources of the state and their commercial utility and identify and map geologic hazards and estimation of their potential consequences and likelihood of occurrence. | | |
| Oregon Context | Rural Economic Development and Sustainability of State Resources. | | |
| Data Source | Department records. | | |
| Owner | Geologic Survey and Services Section; contact: Holly Mercer, Assistant Director, 971.673.1548 | | |



1. OUR STRATEGY

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

USGS is a key funding client.

2. ABOUT THE TARGETS

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

3. HOW WE ARE DOING

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

4. HOW WE COMPARE

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

5. FACTORS AFFECTING RESULTS

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

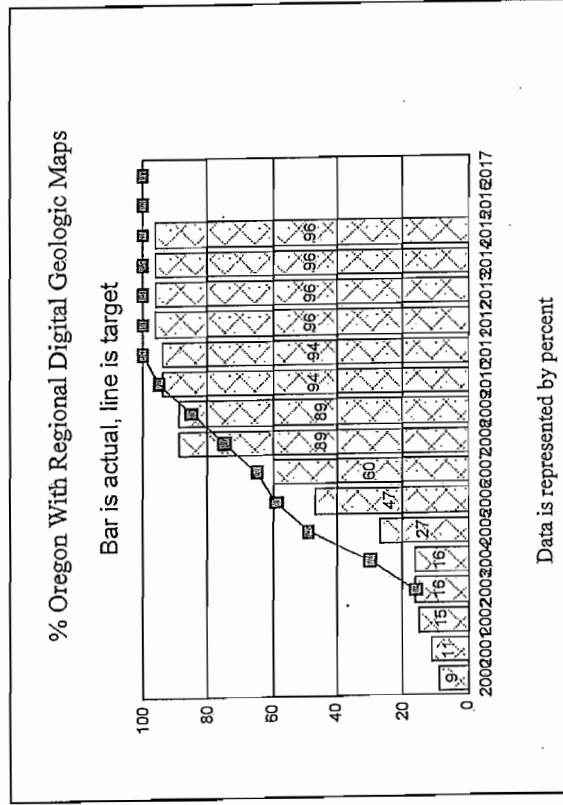
6. WHAT NEEDS TO BE DONE

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

7. ABOUT THE DATA

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

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



1. OUR STRATEGY

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

2. ABOUT THE TARGETS

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

3. HOW WE ARE DOING

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

4. HOW WE COMPARE

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

5. FACTORS AFFECTING RESULTS

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

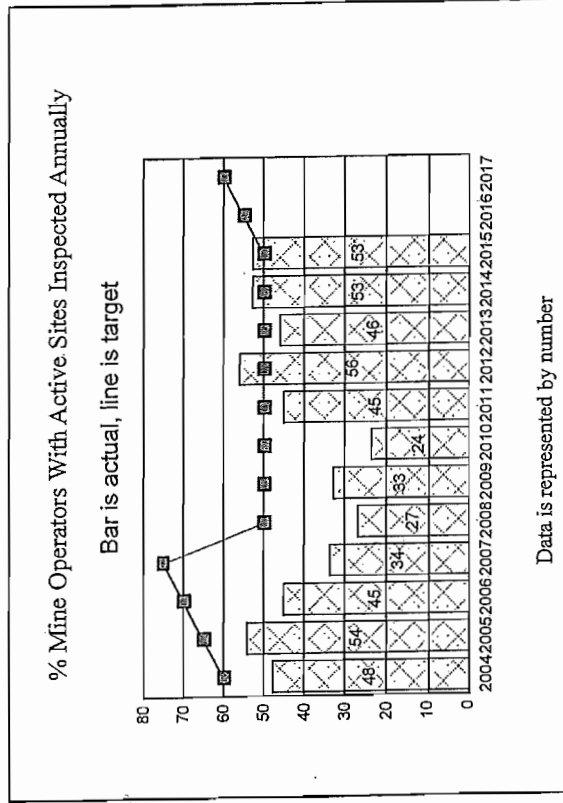
6. WHAT NEEDS TO BE DONE

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

7. ABOUT THE DATA

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

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



I. OUR STRATEGY

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

site(s).

2. ABOUT THE TARGETS

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

3. HOW WE ARE DOING

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

4. HOW WE COMPARE

No comparable data for neighboring states is available.

5. FACTORS AFFECTING RESULTS

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

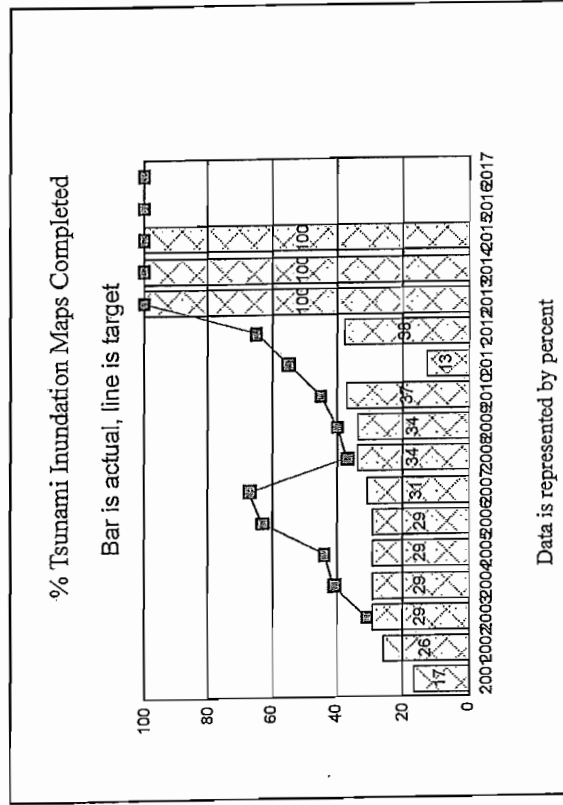
6. WHAT NEEDS TO BE DONE

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

7. ABOUT THE DATA

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

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



1. OUR STRATEGY

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

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

2. ABOUT THE TARGETS

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

3. HOW WE ARE DOING

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

4. HOW WE COMPARE

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

5. FACTORS AFFECTING RESULTS

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

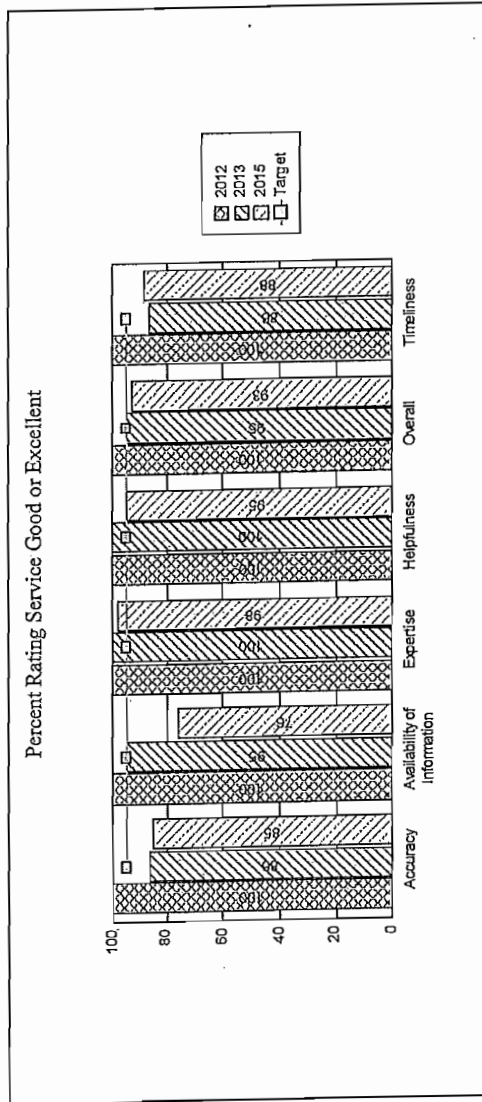
6. WHAT NEEDS TO BE DONE

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

7. ABOUT THE DATA

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

| GEOLOGY & MINERAL INDUSTRIES, DEPARTMENT OF | | II. KEY MEASURE ANALYSIS |
|---|---|--------------------------|
| KPM #10 | CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent"; overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information. | 2005 |
| Goal | Improve collaboration and deliver the highest level of customer service possible. | |
| Oregon Context | Statewide Mission. | |
| Data Source | Department survey results. | |
| Owner | All Sections; contact: Holly Mercer, Assistant Director, 971-673-1548 | |



1. OUR STRATEGY

Invite customer input; respond positively to constructive criticism.

2. ABOUT THE TARGETS

The ongoing target is 95% customer satisfaction.

3. HOW WE ARE DOING

Data was collected but with very few responses.

4. HOW WE COMPARE

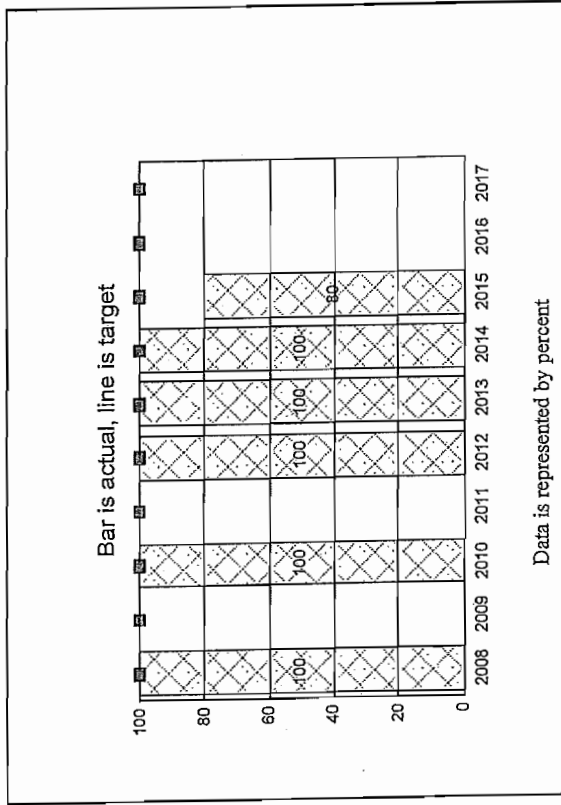
5. FACTORS AFFECTING RESULTS

6. WHAT NEEDS TO BE DONE

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

7. ABOUT THE DATA

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



1. OUR STRATEGY

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

2. ABOUT THE TARGETS

3. HOW WE ARE DOING

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

4. HOW WE COMPARE

5. FACTORS AFFECTING RESULTS

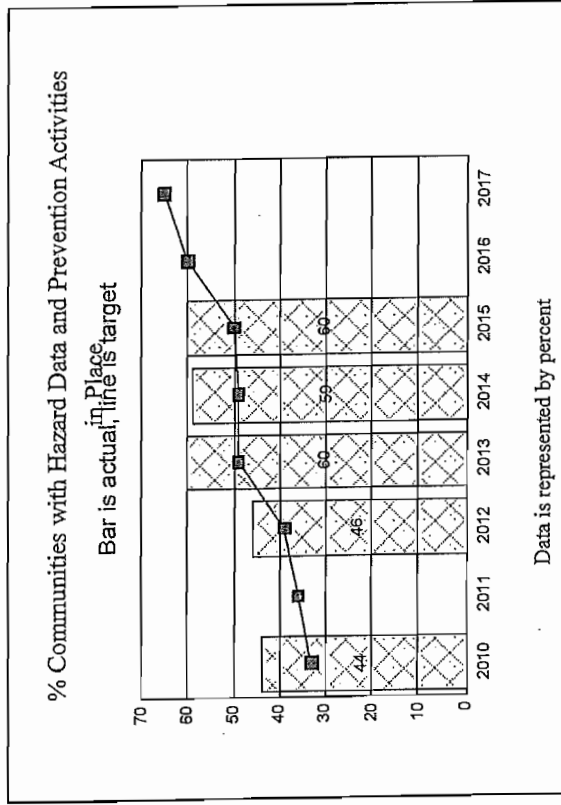
The Department has undergone significant changes in management personnel. In addition, business practices have been reviewed by a Department of Administrative Services Review Team and an Interim Management Team. New business practices will ensure better tracking and accounting for the entire department.

6. WHAT NEEDS TO BE DONE

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

7. ABOUT THE DATA

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



1. OUR STRATEGY

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

2. ABOUT THE TARGETS

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

3. HOW WE ARE DOING

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

4. HOW WE COMPARE

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

5. FACTORS AFFECTING RESULTS

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

6. WHAT NEEDS TO BE DONE

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

7. ABOUT THE DATA

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

| GEOLOGY & MINERAL INDUSTRIES, DEPARTMENT OF | | III. USING PERFORMANCE DATA |
|--|--|---|
| <p>Agency Mission: Provide earth science information and regulation to make Oregon safe and prosperous.</p> | | |
| <p>Contact: Holly Mercer, Assistant Director</p> | | <p>Contact Phone: 971-673-1548</p> |
| <p>Alternate:</p> | | <p>Alternate Phone:</p> |
| <p>The following questions indicate how performance measures and data are used for management and accountability purposes.</p> | | |
| <p>1. INCLUSIVITY</p> | <p>* Staff: Staff: Semi-annual to quarterly discussions with section leaders & project staff.</p> <p>* Elected Officials: The Joint Natural Resources Sub-Committee reviewed, discussed and approved the KPM in 2005; targets were modified by the Legislature in 2007 and again in 2009.</p> <p>* Stakeholders: Input has been sought and received from coastal communities, OSSPAC, OCAPA and key federal and state natural resource and emergency management agencies such as DLCD, OEM, USGS, NOAA and FEMA.</p> <p>* Citizens: The five-person Governing Board, selected from different geographic areas of Oregon, reviews and approves proposed and modified KPM.</p> | |
| <p>2 MANAGING FOR RESULTS</p> | <p>The KPM are directly used to measure program and project progress. Results and Measure targets impact project selection and focus fund solicitation efforts. KPM are a frequent discussion item at monthly management meetings. Nine of the ten KPM have been revised in recent biennia.</p> | |
| <p>3 STAFF TRAINING</p> | <p>Staff have had detailed KPM briefings on content, objectives, targets, measurement criteria, standards, results, benefits and consequences of their assigned KPM. These KPM are a driving influence used to craft Statements of Work for the Agency's numerous contracts for services. Examples include department work on NOAA National Tsunami Hazard Mitigation Program, USGS National Geologic Map Program and FEMA National Flood Insurance Program.</p> | |
| <p>4 COMMUNICATING RESULTS</p> | <p>* Staff: KPM relative and absolute progress is a component of performance expectations and appraisal.</p> <p>* Elected Officials: The annual report is available online at the Agency and Progress Board websites.</p> <p>* Stakeholders: KPM objectives and targets manifest themselves within contract Statements of Work.</p> <p>* Citizens: The general public is briefed during Governing Board meetings when KPM are on the agenda; KPM are described and results reported on at numerous public presentations that Agency staff present regarding geologic hazards in order to increase awareness and facilitate personal accountability towards mitigation.</p> | |

CURRENT KEY PERFORMANCE MEASURES (KPMs) and RECOMMENDATIONS

1. EARTHQUAKE AND LANDSLIDE MAP COMPLETION
Percent of communities and other stakeholders with hazard maps and risk studies for earthquake and landslide hazards
Recommendation: Delete and replace with new KPM

2. TSUNAMI EVACUATION MAP COMPLETION
Percent target communities with official, reviewed evacuation map brochures produced by DOGAMI
Recommendation: Delete; 100% complete

3. COASTAL EROSION MAP COMPLETION
Percent target communities with standardized, 4-risk zone erosion hazard maps.
Recommendation: Delete and replace with new KPM

5. RECLAMATION
Total number of mining acres that have been reclaimed and returned to secondary beneficial use
Recommendation: Delete

6. DETAILED GEOLOGIC MAP COMPLETION
Percent of Oregon where geologic data in the form of high resolution maps have been completed to be used for local problem solving
Recommendation: Retain with revised calculation

7. REGIONAL GEOLOGIC MAP COMPLETION
Percent of Oregon where geologic data in the form of medium resolution maps have been completed to be used for regional problem solving
Recommendation: Delete

8. MINE SITES INSPECTED ANNUALLY
Percent of mine operators with active sites inspected annually
Recommendation: Delete and replace with new KPM
9. TSUNAMI INUNDATION MAP COMPLETION
Percent of coastal communities provided with detailed tsunami inundation maps for local emergency planning.
Recommendation: Delete; 100% complete
10. CUSTOMER SERVICE
Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.
Recommendation: Retain
11. GOVERNANCE
Percent of yes responses by Governing Board members to the set of best practices
Recommendation: Retain
12. GEOLOGIC HAZARD PREPAREDNESS
Percent of Oregon communities with geologic hazard data and prevention activities in place.
Recommendation: Delete and replace with new KPM

PROPOSED KEY PERFORMANCE MEASURES 2017-2019

1. HAZARD RISK ASSESSMENTS COMPLETION

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

Data:

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

Target: 100% of Population residing in Oregon UGBs

2. LIDAR DATA COMPLETION

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

Data:

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

Target: 100% of Oregon

3. DETAILED GEOLOGIC MAP COMPLETION

Percent of Oregon where geologic data in the form of high resolution maps have been completed to be used for local problem solving

Data:

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

Target: TBD

4. ACCESSABILITY OF DOGAMI INFORMATION

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

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

Target: 100%

5. Percent of permitted sites inspected biennially

Data:

On an annual basis, July 1 through June 30, determine half of the total number of permitted sites and compare to total number of sites inspected. For example, for FY 15, determine the total number of permitted sites on June 30, 2015 and divide in half. If the total number of permitted sites is 900, then half would be 450. Then determine the number of permitted sites inspected between July 1, 2014 and June 30, 2015. If the total number of sites inspected is 300, then the annual percent of permitted sites inspected is 67%.

Target: 100%

6. CUSTOMER SERVICE

Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.

7. GOVERNANCE

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