

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

Friday, September 25, 2020

9:35 a.m.

Virtual Public Meeting

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

Chair Laura Maffei called the meeting to order at 9:39 a.m.

2) Executive Session – Annual Director Review: (Laura Maffei, Board Chair)

Chair Maffei stated the Executive Session for the Director’s Annual Review has been rescheduled to the December meeting.

3) Return to Public Session: (Laura Maffei, Board Chair)

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

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

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

Brad Avey, Director/State Geologist
Lori Calarruda, Recording Secretary/Executive Assistant
Dania Ballard, Chief Financial Officer (CFO)
Bob Houston, GS&S Program Manager
Sarah Lewis, MLRR Program Manager
Cari Buchner, Mining Compliance Specialist
Nick Tatalovich, Aggregate Permitting Reclamationist
Steve Dahlberg, Fiscal Analyst

Others in attendance:

Diane Lloyd, Department of Justice (DOJ)
John Terpening, Legislative Fiscal Office (LFO)
Christina Appleby, DOGAMI staff on personal time and as DOGAMI’s SEIU Sub-Local President

Chair Maffei stated this is Katie Jeremiah’s official last meeting as a Board member and expressed appreciation for her service. Jeremiah’s 4-year term is up, and she has decided not to renew for personal reasons, but has agreed to continue on for a few more meetings while a search is made for a new Board member. A photo of a Jeremiah’s recognition plaque for her years of service signed by the Governor was shared on Zoom.

1 **5) Annual Director's Evaluation:** (Laura Maffei, Board Chair)

2 Chair Maffei stated the Executive Session for the Director's Annual Review has been rescheduled to
3 the December meeting.

4
5 **6) Review Minutes of July 13, 2020 and July 28, 2020:**

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

7
8 Board Action: **Ashford moved to approve the minutes of July 13, 2020 and July 28, 2020 as**
9 **submitted. Kozlowski seconded. Motion carried.**

10
11 **7) Civil Penalties:**

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

14
15 Buchner discussed the Mining Without a Permit action taken by the Board on July 28, 2020. On
16 September 1, 2020 they issued the Notice of Civil Penalty package to both respondents, and on
17 September 16, 2020 MLRR received a written request for hearing, which is within the required 20
18 days. DOJ counsel has been assigned and it has been referred to the Office of Administrative
19 Hearings (OAH).

20
21 Lloyd explained to the Board that DOJ assigned the case to an attorney in her office so that in the
22 event this comes before the Governing Board, she can advise the Board. The attorney, with a lot of
23 hearing experience, will be handling these cases for DOGAMI as they proceed.

24
25 Chair Maffei asked Lloyd to explain the next steps. Lloyd said once DOJ refers the package to OAH,
26 then OAH schedules a pre-hearing conference. In the interim, the assigned attorney could decide to
27 reach out to the respondents, and in this case she would not be surprised if the respondents reached
28 out to the DOJ office because there has already been communication with their counsel. But the
29 likely first step would be to schedule the pre-hearing conference.

30
31 Chair Maffei said it seems like DOGAMI is in the beginning of the early stages of a potentially long
32 process. Lloyd said since she has been involved in advising DOGAMI, DOJ has referred other cases to
33 OAH that were not for penalties, and all that were referred have settled. There is the potential that it
34 could be resolved quickly if they are motivated.

35
36 Chair Maffei asked Lloyd how long it would take if this case were to come before the Board. Lloyd
37 said she would not expect this to come before the Board in less than a year if it is worked through the
38 standard Office of Administrative Hearings scheduling process. She thinks OAH is fairly behind
39 schedule because, like most courts, it has been forced to hold hearings mostly by Zoom or other
40 video mechanisms. Chair Maffei thanked Diane for the information.

41
42 Buchner provided an update on the Civil Penalties of \$250 and \$500 for late payments due in March,
43 that were approved to be issued during the last Board meeting. The Notices for Civil Penalties were
44 issued, but no requests for hearing were received, Final Orders were issued on September 10, 2020.

45 Those Civil Penalties payments were actually due on September 20, 2020, but are being allowed
46 some extra time to come in due to the chaos of everything right now and issues with the mail system.
47 Staff will reach out and contact those folks to make sure the Final Orders were received.
48

49 Buchner reviewed the Civil Penalties for late/non-payment of renewal fees for April, May, and June.
50

51 OP-0023: Has absolutely no late payment history and have always paid on time. The permittee sent
52 their renewal form in and said they wanted to close their site. Staff contacted them to let them know
53 that is not the proper way to go about it and had conversations regarding the correct process. The
54 permittee paid their renewal and are in the process of looking for someone to transfer the site to.
55 Given their eagerness to come into compliance once the situation was explained and their lack of late
56 payment history, it is being proposed that they are not cited for this violation.
57

58 OP-0056 and OP-0118: Both are chronic late payers. Both are eligible for the \$500 penalty based on
59 the multiple violations in previous years, including the last 3 years.
60

61 OP-0267 and OP-0269: Both have the same permittee, but OP-0267 does not have a late payment
62 history for the site, and OP-0269 does, now both of their sites are delinquent. It is being proposed
63 that OP-0269 receive a \$500 penalty for chronic late payments, and OP-0267 receive a \$250 penalty
64 that is not waived, which in other cases would have just had the violation documented and the fee
65 waived.
66

67 OP-0070: Is a very chronic late payer. It is being recommend for the \$500 penalty.
68

69 OP-0023 (a different site than the first one): They have been late once in the last 3 years, but this is
70 their first time being referred for a Civil Penalty. This one is being recommended to have the
71 violation noted and the \$250 penalty waived.
72

73 Ashford asked why the fees for OP-0023 has been waived, when it seems like it is similar to others
74 that received penalties. He wants to ensure the Agency is being consistent with penalties. Ashford
75 also asked why the Program is waiting to start collections on the March penalties.
76

77 Lewis addressed the collections delay concern by explaining MLRR has actually seen some significant
78 delays in the mail received by the office. The April and March Department mailings were not all
79 received by permittees. She has asked staff to wait 10-days to ensure that it is not a mail delivery
80 error and then move forward accordingly. Buchner stated the 10-days was up on September 20,
81 2020, and is anticipating to start the process of referring them to collections by mid next week.
82

83 There was a discussion about OP-0023 (the second one). With the site having a late payment history,
84 it was decided to recommend changing the Civil Penalty for non-payment from \$0 to \$250 to ensure
85 consistency with penalties.
86

87 Chair Maffei stated this is the reason why these Civil Penalties are presented to the Board, so they
88 can have the opportunity to make comments and ask questions.
89

90 Board Action: **Ashford moved to allow staff to move forward with Civil Penalties on the presented**
91 **with amendment cases. Kozlowski seconded. Motion carried.**
92

93 **8) Financial Report:**

94 Dania Ballard, Chief Financial Officer, presented the DOGAMI Budget Status Report, as of July 31,
95 2020, for the Geological Survey and Services (GS&S) and Mineral Land Regulation & Reclamation
96 (MLRR) programs.
97

98 Ballard discussed two sets of financials, year ending FY20 and July FY21. The FY20 year-end financials
99 for GS&S include, a one-year revenue budget that closed on June 30, 2020. The second-year revenue
100 budget of \$2,864,393 started July 1, 2020 and was approved on June 5, 2020. Due to two year
101 expense projections and timing of revenue budget approval, there is a temporary negative General
102 Fund balance of \$3,145,802. The difference between \$3,145,802 and \$2,864,393 is mostly related to
103 pending reclassification of expenses initially paid by General Fund; financials will align to the budget
104 once completed. The audit process for FY20 will be completed by December 31, 2020.
105

106 Ballard stated the FY20 projected MLRR ending balance is negative (-) \$113,965. This deficit was
107 expected and is the basis for the fee increase. Ashford asked if the MLRR fee increase going forward
108 will cover the deficit and accumulate a balance since he is assuming it is not retroactive. Dania said
109 that is the expectation, as the fee increase begins in January. If the fee increase had not been
110 approved, the original plans included a layoff scenario by the end of summer. The financials were
111 just received so there is a need to go through and reforecast the months of January through the end
112 of the year; MLRR is anticipating a positive balance by the end of the year. Ashford asked if the fee
113 increase amount will be enough to cover anticipated increased costs and will the Department be able
114 to add staff in the future. Dania replied the fee increase was intended to cover staff at its current
115 levels and to provide a 6-month balance reserve by the end of 5 years or three biennia.
116

117 Avy asked Lewis to provide a quick review of the MLRR fee increase passing the second Special
118 Session. Lewis replied the HB 4302 passed in the second Special Session on August 20, 2020 and was
119 signed by Governor Brown on September 1, 2020. The fees were increased across all the different
120 programs and there is now parity in the overall program with application fees being the same
121 amount. It also provided a complete update, as there have not been any updates since 2015 and
122 some have not seen any in almost 20 years. The fee increase will fund current service levels and
123 build a positive operating balance by the end of this biennium and also a reserve through the 2023-
124 25 biennium. Lewis said Bob Houston, as Legislative Coordinator, led the efforts to make it happen
125 and acknowledged support from Avy and Ballard, along with staff who were key in responding quickly
126 and professionally to requests for information with short turn around. They have done an excellent
127 job of supporting the Department's work with providing accurate numbers to present to the
128 legislature. The increase starts January 1, 2021 and affects new applications and all renewals starting
129 in January. A direct mailer notifying them of changes will be sent out to permittees. There will also
130 be a revised newsletter and updates to the website containing the new fee information. Lewis stated
131 MLRR will be looking at business processes and rulemaking to ensure no fees are duplicated in rule.
132 There is a lot of work to happen in the next 3 months but the Department will get it implemented
133 and communicated out to the regulated community in a professional and straightforward manner.
134 Chair Maffei thanked everyone who was involved and acknowledged it was no small feat in the
135 middle of everything that was going on in the legislature.
136

137 Ballard said the Strong Motion Instrument Fund has an ending balance of \$369,751. There are 58
138 Cash Securities in the Reclamation Guarantee Fund for an ending balance of \$614,207.
139 Administrative cash security processing was recently brought in house to the Business Office in

140 Portland from DAS as a matter of operational continuous improvement and will be facilitated onsite
141 going forward.

142
143 Ballard said the FY21 update is through the end of July, and provided a recap of what has been
144 happening. There has been one month of activity on the books. The second-year revenue has been
145 entered in the system. The GS&S General Fund currently reflects an ending balance of \$26,889,
146 Other Funds has an ending balance of \$278,914, and Federal Funds has an ending balance of \$6,208.
147 The Agency was short budgeted for some personnel and Services and Supplies costs in the first year,
148 but the second-year budget offsets some of the changes. There has also been a reduction in
149 personnel, which is helping with the positive balance.

150
151 The projected FY21 ending balance for MLRR is negative (-) \$115,298. Ballard stated MLRR has not
152 had their projected estimates recalculated for the approved fee increase as of the report date.

153
154 The Strong Motion Instrument Fund has an ending balance of \$305,282 and paid the University of
155 Oregon (U of O) for work done in the month of July. This fund is used to support the instruments
156 that are strategically placed throughout Oregon for strong motion activity. The Reclamation
157 Guarantee Fund has an ending balance of \$639,207 with 58 Cash Securities.

158
159 For general activity, the Agency is becoming more current as it moves forward in its normal routine
160 of processing activities, getting caught up on payables, receivables, and invoicing. All of the
161 outstanding grant financial reporting has been completed and is current to date and is being
162 maintained on a regular basis. No grants are projected to be overbudget. With current processes,
163 there is a reforecast effort that is completed when a grant is within 30% of budget remaining to
164 mitigate any issues of overspending.

165
166 Ashford asked if the funding that went to U of O is for their tsunami warning system or other strong
167 motion work, and if DOGAMI is maintaining the instruments. Ballard said it was related to strong
168 motion instruments for earthquake activity. She briefly explained the program and stated U of O is
169 DOGAMI's contracted partner to purchase and place the instruments throughout Oregon, and USGS
170 will maintain them.

171
172 Board Action: **Kozlowski moved to accept the Budget Status Report as presented. Ashford**
173 **seconded. Motion carried.**

174
175 **9) Key Performance Measures (KPMs) Annual Data Report:**

176 Bob Houston, GS&S Program Manager and Legislative Coordinator, reviewed completed Key
177 Performance Measures (KPMs) 1) Hazard and Risk Assessment Completion, 2) Detailed Geologic Map
178 Completion, 3) Lidar Data Completion, 4) Percent of Permitted Mine Sites Inspected Biennially,
179 5) Customer Services, and 6) Governance. The Key Performance Measures (KPMs) show how the
180 Agency has performed and will be submitted by DOGAMI to the Legislature. The reporting period is
181 for FY20, which is July 1, 2019 to June 30, 2020.

182
183 **KPM 1 – Hazards and Risk Assessment Completion:**

184 Hazard and risk assessments for Urban Growth Boundaries (UGBs) to map earthquake, landslide,
185 tsunami, coastal erosion, volcanic or flooding hazards started with a 42% baseline in 2018. The goal
186 for the KPM is to complete 100% in 10 years.

187
188 Houston stated the actual percentage completed for 2020 is 56% exceeding the goal of 52%. Ashford
189 asked if the first slide was updated for the FY20 target because it references the 2019 target, and if
190 the population of the KPM is biased towards more densely populated urban areas. Houston
191 answered the 2019 information was given to provide the Board background on how well the Agency
192 is doing. The Agency has completed 97% of the 2019 target but exceeded the 2020 target by
193 completing 107%. Houston added it is more biased towards the areas where the funding comes
194 from.

195
196 The challenge is getting funding sources for small, less populated areas to complete the work. The
197 Agency is looking to identify funds at the federal level to pursue and fill out the map in those
198 locations. Ashford said we have done a good job on the coast, but as an Agency it should look at
199 areas of high hazard but no funding, and should look to see what can be done. Houston said this
200 challenge also highlights areas in the state we need to identify funding to provide the science for
201 underrepresented communities and populations, which is a focus of the Governor. Ashford asked if
202 the Agency has the ability to identify those areas of high hazard with no studies completed. Houston
203 said the Agency will identify those areas. Chair Maffei agreed with Ashford.

204
205 Kozlowski said she would support the task. She asked if the coastal region as shown means it has
206 significant community involvement. Houston said it represents the amount of hazard reports that
207 have been completed. It is not quite related to public outreach or engagement. Kozlowski asked
208 who receives those reports. Houston replied the reports are given to local partnerships, community
209 leaders, etc. DOGAMI engages with these groups to provide science to local decision makers.

210
211 Ashford asked about the Santiam Canyon area and if DOGAMI had made any efforts about potential
212 increased landslide hazard resulting from the fires. Houston said he has asked staff to reach out to
213 the local partners in those areas to see what data needs they might have. DOGAMI is potentially
214 looking at more data to be collected in these areas based on DOGAMI's internal expertise, such as
215 additional lidar collection, landslide assessments or the impacts to channel migration due to
216 increased sediment load into the system and erosion.

217
218
219 **KPM 2 – Detailed Geologic Map Completion:**
220 Percentage of Oregon where geologic data in the form of high resolution maps have been completed
221 to be used for local problem solving.

222
223 Geologic mapping is dependent on local, state and federal resources for funding the projects.
224 Houston explained DOGAMI receives advice from the Oregon Geologic Mapping Advisory Committee
225 (OGMAC) to provide guidance on where the Agency will be applying for STATEMAP funding and
226 where the highest needs are. The lavender shaded areas represent the areas that have high
227 resolution mapping completed. Based on data collected in 2020, 62.7% of Oregon's nominal
228 inhabited areas have been completed, which represents 98% of the 2020 target goal of 64%
229 completed.

230
231 Houston stated for Dog River/Badger Lake, located in Hood County and Burns-Butte in the Burns
232 area, the quadrangles have partial areas that overlaps with the nominal inhabited area, which is why
233 the Agency did not reach the goal. He said it is important to map outside the nominal inhabited

234 areas, because the hazards are occurring or could occur, like volcanos, earthquakes or debris flows.
235 He said the statewide coverage is 21%, which is not the metric for this KPM.

236
237 Chair Maffei asked why there was not quadrangle mapping done over part of the population
238 concentration in the Burns-Butte area. Houston explained some of the Burns-Butte area has flat farm
239 fields and not a lot of rock exposure. The area to the west was selected because it has a lot of rock
240 exposure where the faults could be seen that would project into the basin area. It is also an area of
241 geologic importance because it has been identified as a suspected vent for a large ash eruption that
242 happened in the area; it had been previously unidentified as its source. This is a critical piece to
243 understand with respect to the structure and geology of the area, because DOGAMI can map where
244 the rocks are actually exposed. But for the scientific community at large, Jason McClaughry, Carlie
245 Duda, and Ian Madin in collaboration with Mark Ferns (retired DOGAMI geologist) identified where a
246 suspected vent for a large ignimbrite erupted covering a large portion of eastern Oregon; a previously
247 unidentified source. Houston said it is the same discussion about Dog River in Hood County. A
248 mostly uninhabited area but the potential to have bigger impacts on populated areas further away.
249 The mapping is being done because the rocks are exposed in these locations and provides a good
250 idea of the structure, faulting and earthquakes that extend into and could be generated in a larger
251 area that would impact the adjacent nominal inhabited areas.

252
253 Houston said this is an area in the KPM for improvements to be made, the Agency needs to consider
254 other ways of targeting the detailed geologic mapping. Chair Maffei agreed about the KPM and said
255 the question should be where the Agency can map to look at structures going into populated areas,
256 not just mapping populated areas.

257
258
259 **KPM 3 – Lidar Data Completion:**
260 The percent of Oregon with lidar data at USGS quality of Level 2 or better. The higher standards are
261 lower numbers. Obtaining lidar data is based on funding resources. For the first half of the 2019-
262 2021 biennium, 53.28% has been completed. For FY20 DOGAMI reached its goal with 105.25% of the
263 2019 target completed. The Agency was just awarded a proposal for the South Coast lidar collection,
264 which will fill in the white area on the map in Curry County. Houston said getting back to Ashford's
265 point about underserved communities, this is the same issue about the ability to collect funds for
266 these lower populated areas that have been traditionally underserved. Going forward these are the
267 areas that will be collected. At times the Agency does have the ability to recollect data or re-fly an
268 area for change detection and that is what the green areas represent.

269
270 Ashford said the opportunity to fly the fire areas and get the initial data should be done as soon as
271 possible to identify the changes over the course of this winter and will show the value of the lidar
272 data. Houston said he has asked Jake Edwards to reach out to those communities and partnerships
273 to fly those areas. DOGAMI has already had conversations with the US Forest Service on the Holiday
274 Farm fire in the Springfield area. The Agency currently has a collection scheduled for the McKenzie
275 drainage corridor, the river proper, and is looking for opportunities to piggyback on other work to
276 help out where DOGAMI can. It is critical information that is used by emergency responders,
277 agencies, and for hazard assessments.

278
279 **KPM 4 – Percent of Mine Sites Inspected Biennially:**
280 The percent of permitted mine sites inspected for the first half of the 2019-21 biennium is 11% of the
281 total permitted mine sites. FY20 is the first year of the biennium. Factors for the results are related

282 to workload and staffing resources. Houston stated the map was done by Ed Buchner. The map
283 shows the distribution and frequency by shaded dots for mine sites inspected between July 1, 2019
284 to June 30, 2020, with every small black square representing a mine site, 902 of them for this
285 reporting year. Sometimes the sites have to be visited multiple times.

286
287 Chair Maffei asked why are the goals not being met and if the goals are being set too high. Ashford
288 said he thought a conscious decision was made to focus efforts on getting through the permit
289 backlog, but in the future he would like to know if the KPM is in the right place. Lewis said after the
290 discussion with the Board, the Program has focused on permits being processed efficiently and site
291 compliance. Because site inspections often uncover additional problems, Lewis and her staff are
292 trying to ensure they can follow up with those actions appropriately. She said on a positive note,
293 they have been increasing capacity each year by 2% with the current staffing level. COVID-19 has had
294 a real impact as well, due to protocols. Lewis said that it probably should be reevaluated. Maffei
295 stated this is why KPMs are reviewed, to see if they need to be addressed in the future.

296
297

298 **KPM 5 – Customer Service:**

299 Percentage of customers rating their satisfaction with the agency’s customer service as “good” or
300 “excellent”: overall customer service, timeliness, accuracy, helpfulness, expertise, and availability of
301 information.

302

303 Houston said there are two different customer surveys – overall DOGAMI and MLRR specific. During
304 fiscal year 2020, DOGAMI received 202 customer response surveys, which is a slight increase over last
305 year, in which the Agency received 198 surveys.

306

307 The target goal of the KPM is 95% of responses as good or excellent for each category. From the
308 results, the Agency had a slight reduction in satisfaction across all categories from 2019. Chair Maffei
309 point out that compared to responses from 2017 and 2018, the Agency is high above that.

310

311 Helpfulness: 85% (89% of the target goal)
312 Overall: 89% (93% of the target goal)
313 Accuracy: 84% (88% of the target goal)
314 Expertise: 86% (90% of the target goal)
315 Availability of Information: 85% (89% of the target goal)
316 Timeliness: 85% (89% of the target goal)

317

318

319 **KPM 6 – Governance:**

320 For Governance, on an annual basis the Board reviews and responds affirmatively or negatively to the
321 best practice criteria. The time period covered is for July 1, 2019 to June 30, 2020. The Board went
322 through and responded to the list of 15 required questions; the answers will be submitted to the
323 Legislature through the formal process.

324

325 Board Action: **Kozlowski moved to approve completed Key Performance Measures (KPMs) of the**
326 **Annual Progress Performance Report as presented. Ashford seconded. Motion carried.**

327

328 [Note: The full KPM report is included in the December Board Packet.]

329

330 **Break**

331

332 **10) Permitting Process Presentation:**

333 Sarah Lewis, MLRR Program Manager, introduced Nick Tatalovich, Aggregate Permitting
334 Reclamationist, to present the Permitting Process presentation.

335

336 Tatalovich's presentation on the Surface Mining Programs (ORS 517) Division 30 Aggregate Mining
337 Process, focused on the Operating Permit Application Process. He stated these make up 85% of
338 permits issued by MLRR.

339

340 Tatalovich started the presentation with a quick overview of the surface mining process. He said it
341 starts for the applicants at the Land Use level to site the mine. Applicants then approach DOGAMI to
342 begin the Operating Permit Application process. Once the application is reviewed by staff and other
343 agencies, the permit is issued with site specific conditions. Once the permit is issued, mineral
344 extraction begins. The permit needs to be renewed annually, with reported production to the
345 Department. Site inspections take place throughout the life of the mine to check compliance with
346 permit conditions and ensure they are abiding by statute and rule to reduce offsite impacts from
347 mining. Once mineral extraction has ceased from either resources being exhausted or the permittee
348 wanting to close the site, site reclamation begins and DOGAMI inspects the site to confirm the
349 reclamation. If everything is good, DOGAMI then releases the reclamation security and the mine site
350 is closed.

351

352 The Operating Permit Application process takes approximately 6 months but can be much longer for
353 complex sites. It starts with land use authorization and an optional Pre-Application Meeting. Once
354 the application is received it is reviewed to ensure it has complete operating and reclamation plans,
355 required maps, a site inspection, and the reclamation security. During this time, there may be
356 multiple conversations with the applicant, as most applications are not complete as submitted. A
357 draft permit is then written and is circulated to other agencies for technical review. The circulation
358 period is 35 days. After the response comments are received, they are reconciled and resolved.
359 Then a final permit is issued.

360

361 Tatalovich discussed how land use approval is required for sites in Oregon. Mine site approval for
362 location rests with the applicable land use authority, which can be individual counties or federal
363 agencies (such as BLM or USFS). Unless already zoned for a mining-compatible use, land use for mine
364 sites can be obtained through a zone change via the Goal 5 process called the Post-
365 Acknowledgement Amendment Plan (PAPA) or a county issued Conditional Use Permit (CUP).
366 Counties typically impose conditions to the PAPAs and CUPs around operating hours, road
367 approaches and/or noise and visual buffers. They typically defer to DOGAMI for reclamation
368 activities, as long as the plans match with local zoning. He said on average, about 75% of applicants
369 have land use in place prior to beginning the Operating Permit Application process.

370

371 Pre-Application Meetings usually take place in the MLRR office in Albany, Oregon. The meeting
372 allows DOGAMI and the applicant to get on the same page. It also allows DOGAMI to review the
373 documentation and maps the applicant has and provide technical assistance to the applicant to help
374 the process go smoother. The Department will also suggest the applicant consult with other agencies
375 to help determine if additional information or surveys are required. If additional materials are
376 required, they need to be submitted with the DOGAMI application materials.

- 377
378 The Permit Application materials consist of:
379 • Application Form and Fee
380 • Applicable Supplemental Forms and Fees
381 • Proof of Land Ownership
382 • Operation and Reclamation Plans
383 • Maps
384 ○ Permit boundary survey map
385 ○ Site plan map
386 ○ Reclamation plan map
387 ○ Cross section profiles
388 • Reclamation Security
389

390 The step of verifying materials includes the standard Permit Application form with the fee of \$1,750,
391 which is increasing to \$2,000 on January 1, 2021. In special circumstances, supplemental forms and
392 fees are requested for slope stability, wetlands, floodplain sites, and/or groundwater impacts. Once
393 land use and landowner approvals are confirmed, the administrative entry of information and
394 creation of a paper file occurs; digital files are also created for better retainment of information. An
395 upgrade has been done to the Access database to allow for better tracking, supplemental reports,
396 compliance, renewals, deposits, and reclamation securities.
397

398 The technical review of the application includes the Operating and Reclamation Plans, required maps,
399 site inspection, and Reclamation Security.
400

401 **The Operating Plan:** Outlines how the mine will be developed and operated to minimize off-site
402 impacts. DOGAMI compares the plans to the land use approvals to ensure consistency. Mining
403 safety and occupational hazards during the mining process are federally regulated by the Mine Safety
404 and Health Administration (MSHA).

- 405 The Operating Plan includes:
406 • Development Plans/Equipment
407 • Water Source/Management
408 • Designated Setbacks & Buffers
409 • Visual Screening
410 • Vegetation Management
411 • Soil/Overburden Salvage and Stabilization
412 • Surface Mining Excavations
413 • Stormwater Management
414

415 **The Reclamation Plan:** At the end of mining, the site will be reclaimed to a post-mine beneficial use
416 that is compatible with the local zoning.

- 417 The Reclamation Plan includes:
418 • Post Mining Land Use
419 • Reclamation Schedule
420 • Final Excavation and/or Fill Slopes
421 • Working Floor Reclamation
422 • Importation of Fill

- 423 • Backfilling Operations
- 424 • Pond/Wetlands Reclamation
- 425 • Growth Medium Replacement
- 426 • Revegetation, Planting/Seeding Techniques
- 427 • Drainage, Stormwater Control and Site Cleanup

428
429 **Permit Boundary Survey Map:** The purpose is to clearly delineate the extent of permitted mine
430 activities. It is required for all applications for new Operating Permits or Amendments and all sites
431 with disturbances larger than 20 acres. The Aggregate Permitting Reclamationist and GIS Specialist
432 work hand in hand with the applicant and their surveyor to ensure the Permit Boundary Survey Map
433 produced meets standards, driven by statute and rule. Typically, there are several iterations of this
434 map before it is finalized, stamped, signed, and delivered to DOGAMI.

435
436 **Site Plan Map:** The additional details show mining related activities to scale.

437
438 **Initial Site Inspection:** Is required by statute to inspect new sites initially and by programmatic
439 decision to inspect all amendments and transfers. Sites are initially inspected to document site
440 conditions prior to excavation and other mining related activities commencing and verify technical
441 feasibility of site plans. The Stormwater Reclamationist also inspects if there is a need for coverage
442 under the DEQ stormwater or process water permit(s).

443
444 **Reclamation Security:** Reclamation Security provides adequate financial security for the purpose of
445 ensuring completion of the reclamation plan or reclamation by the Department. It is calculated
446 based on acres of disturbance on the ground and within 12 months of permit issuance. The amount
447 varies based on site type and number of acres of disturbance. This is a pre-condition to permit
448 issuance and must be in place prior to management approval. A Letter of Credit and Performance
449 Bond, or Assignment of Deposit and cash up to \$50,000 are all acceptable forms of security. The
450 MLRR Reclamation Security Fund holds the cash securities.

451
452 **Drafting the Permit:** DOGAMI writes up a 5-10 page summary. The proposed permit conditions are
453 found nested within the Operation and Reclamation Plan Summary sections. The “Note to Reviewing
454 Agencies” summarizes:

- 455 • Site Location & Land Ownership
- 456 • Site History
- 457 • Land Use
- 458 • Site Conditions (via site inspection)
- 459 • Operation Plan Summary
- 460 • Reclamation Plan Summary
- 461 • Reclamation Security
- 462 • Proposed Permit Conditions
 - 463 ○ 13 standard conditions
 - 464 ○ Site-specific conditions

465
466 **Circulation to Reviewing Agencies:** DOGAMI permit applications are not open for public review but
467 are circulated to other agencies for review for a period of 35 days. Concerns raised during the
468 circulation are addressed by DOGAMI permit conditions and direct work with other agencies and
469 tribes.

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State:

- Water Resources Department
- Oregon Department of State Lands
- Oregon Department of Fish and Wildlife (ODFW)
- Oregon Historic Preservation Plan
- Department of Environmental Quality (DEQ)

Federal:

- US Fish & Wildlife Service
- US Department of Agriculture Forest Service
- US Army Corps of Engineers
- US Department of the Interior Bureau of Land Management (BLM)

Tribal:

- Grand Ronde
- Siletz
- Coos, Lower Umpqua, Siuslaw
- Coquille
- Crow Creek Umpquas
- Warm Springs
- Umatilla
- Burns Paiute
- Klamath

Local Land Use Authority:

- County or city/town
- US Department of the Interior Bureau of Land Management (BLM)
- US Department of Agriculture Forest Service

Response to Comments: When comments are received, DOGAMI facilitates communication between the applicant and the commenting agency. Comments must be addressed prior to permit issuance and may be addressed in the form of permit conditions or further studies/surveys.

Operating Permit Issuance: An Operating Permit is issued once the following have been accomplished:

- Reclamation Security Received
- Final Signed Permit Boundary Survey Map Received
- All Comments Addressed via Additional Surveys or Permit Conditions*
- Approval from Management to Issue the Permit

*If required elements are incomplete, then DOGAMI may issue a Provisional Operating Permit rather than a denial, but no mineral extraction may occur until applicant receives approval from the agency with the outstanding requirement(s).

MLRR has focus areas for improving the application process, which include proactive early engagement with applicants to clearly communicate expectations of requirements and process;

517 reviewing agencies to minimize new requests late in the process; site-specific reclamation security
518 calculations; and ePermitting, an online external interface to streamline submission, payments,
519 processing, and renewals.

520
521 Jeremiah said it was a great presentation and Chair Maffei, Ashford and Kozlowski agreed. Maffei
522 said it was extremely informative and thorough.

523
524 Kozlowski asked when ePermitting will be implemented. Lewis said it is a Legislative Concept and
525 Policy Option Package in the FY21-23 budget request. If approved by the legislature, it could take
526 approximately 4 years to implement. All the small incremental improvements being made right now
527 are to help better position the Department to move into an online system.

528
529 Briefing: **No Board Action Required.**

530
531 **11) MLRR Update:**

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

533
534 MLRR Fee Increase

535 Lewis said the fee increase was discussed during the financial section and asked for any additional
536 questions. No questions were asked.

537
538 Permit Status Summary

539 Lewis reviewed the detailed list of permits; there are not a lot of changes. Site inspections are still
540 being limited to those required for regulatory action. She stated the Department has received more
541 complaints during the summer due to COVID-19 and people being at home.

542
543 Permits are being processed in a reduced amount of time. The ones taking more than 1 year are in
544 floodplain areas that are very complex in nature.

545
546 Civil Penalties have been in place for one full year now. Of the 984 renewals and for the 172 at risk,
547 only 5% received Civil Penalties. In April when there were issues with mail delivery related to COVID-
548 19 protocols. Thirteen Notices of Violations were issued and after permittees reached about not
549 receiving the renewal notices, staff responded with only two Civil Penalties. Lewis acknowledged
550 Cari Buchner for her work in developing the program, and her staff for their teamwork and
551 communication efforts when challenges happen so they respond appropriately to applicants and the
552 public.

553
554 Lewis stated she is pleased with how staff has continued to be productive as about half the staff is
555 working remotely. She is really proud of the group for the level of service they continue to provide.

556
557 Rulemaking Update

558 Lewis said MLRR is in the middle of the Rules Advisory Committee (RAC) process for HB 2202, High
559 Value Farmland in the Willamette Valley. The second RAC meeting was held in the first week of
560 August and a third meeting is scheduled for October 8. She anticipates it will be the final meeting for
561 this rule effort. The draft rules will be presented to the Board for approval at an upcoming meeting.

562 Vaughn Balzer has been leading this effort and he has taken over for Bob Houston (now GS&S
563 Program Manager) as Rules Coordinator for the Agency.

564

565 Grassy Mountain Update

566 Lewis said in early August, DOGAMI and Calico's Chief Financial Officer and Project Manager held a
567 quarterly meeting. DOGAMI provided budget to actual reports of project expenditures and activities.
568 Calico raised no concerns. Lewis considers that a success. On September 15, 2020, Paramount Gold,
569 the Parent company for Calico, issued a press release stating the newly completed Feasibility Study
570 confirms the economic viability of the proposed Grassy Mountain project. This information is in line
571 with the actions of the applicant to reengage the State on developing the additional information that
572 was requested after the Application Review in February of 2020. To date, Calico has met with the
573 Oregon Department of Fish and Wildlife (ODFW) on the Wildlife Baseline Data and Mitigation Plan
574 and has met three times with DOGAMI technical staff to start talking about overall application issues
575 and requirements. Ian Madin and Bob Brinkmann are leading the technical work with support from
576 our consultant, Cardno. Lewis continues to meet with Calico every other week to provide
577 coordination and continuity. She does see activity picking up in the next several months. Kozlowski
578 congratulated Lewis and said it is an exceptional/great job.

579

580 Ashford said it was a fabulous update and thanked Lewis for her work and said since her coming on
581 board things have turned around. Chair Maffei thanked Lewis and said these updates help the Board
582 have a better sense on what MLRR does.

583

584 Avy added during his Director's report that that Lewis has done a great job as the MLRR Program
585 Manager and has played a strong role in instilling confidence in the program.

586

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

588

589 **12) GS&S Update:**

590 Bob Houston, GS&S Program Manager, provided an update on the GS&S program.

591

592 Houston stated he is now the permanent manager of the GS&S Program and is sharing the Legislative
593 Coordinator duties with Director Avy. Since the last update to the Board, there have been seven new
594 publications and a couple of alerts for landslides in the Western Cascades related to the recent rain
595 events. So far, a total of 12 publications have been released in 2020, with an additional fourteen
596 more going through the internal review process for geologic maps, risk assessments, and landslide
597 reports.

598

599 Released

- 600 1. Natural hazard risk report for Tillamook County, Oregon
- 601 2. Tsunami evacuation analysis of Nehalem Bay, Tillamook County, Oregon [Beat the Wave]
- 602 3. Coos Bay tsunami modeling: Toward improved maritime planning response
- 603 4. GIS data and method for determining maximum-considered local and distant tsunami wave
- 604 arrival data for the Oregon coast
- 605 5. Maritime Tsunami Response Guidance for the Port of Coos Bay, Coos County, Oregon
- 606 6. Mineral information layer for Oregon, Release 3 (MILO-3) Digital Data Series and Web map
- 607 7. Oregon Geologic Data Compilation, release 7 (OGDC-7, statewide)

608
609 Houston discussed the recent grants DOGAMI has been awarded, including an Interagency
610 Agreement (IAA).

611
612 Grants/IAA Received

- 613 • \$492,191 – NOAA - National Tsunami Hazard Mitigation Program
- 614 • \$702,000 – FEMA Cooperating Technical Partnership Risk Map Program (2 projects)
 - 615 ○ \$65,000 to support outreach and technical assistance for Oregon Communities
 - 616 ○ \$637,000 to support geological hazard mapping and risk assessment projects
- 617 • \$110,198 – USGS Oregon Stratigraphic Project (statewide)
- 618 • \$936,791.50 – BLM - OLC South Coast 2020 lidar project
- 619 • Established an IAA with DSL for GIS services

620
621 There is a total of 30 active grant projects staff are working on.

622
623 Houston talked about the wildfires. He has instructed staff to reach out to State and local partners to
624 see what the Agency can do to provide information or share skillsets to help first responders,
625 planning departments and emergency managements. A new data sharing agreement/MOU has been
626 completed, with the help from the Business Office, to make it easier to accomplish these requests.

627
628 Houston said he did a rotation as a researcher to help Lane County Emergency Operations Center by
629 writing web content that covered a varied range of topics in support of Lane County's PIO to help
630 evacuees of the Holiday Farm Fire. He said it was a very rewarding experience to be able to work and
631 see the behind the scenes of an Emergency Operation Center (EOC). During one of the daily
632 briefings, one of DOGAMI's landslide maps was being used and shown to responders, which he was
633 able to speak to. Houston thanked Laura Gabel for stepping in to be point of contact for staff,
634 Director Avy for returning from vacation early, and staff for their flexibility and understanding to
635 allow him this opportunity.

636
637 Kozlowski said it is exciting having someone work in the EOC with the connection to DOGAMI and the
638 practical application of all of the research the Agency does is important. She was thrilled he had the
639 experience to share his knowledge with Lane County and thanked him and all of DOGAMI for
640 stepping up to help.

641
642 Chair Maffei said it occurred to her during the flashflood alerts after the fires, of how the mapping
643 was a knowledge base that was useful for emergency planning. The experience for DOGAMI with an
644 emergency agency is helpful.

645
646 Briefing: **No Board Action Required.**

647
648 **13) Director's Report:**

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

650
651 DOGAMI's Permanent GS&S Program Manager

652 Avy formally recognized Bob Houston as the new permanent GS&S Program Manager. He said
653 Houston comes from the private sector, has international geology experience, and 20 years with
654 DOGAMI in both MLRR and GS&S programs. Houston's specific experience includes:

- 655 • 9 years of direct supervisor experience in other positions
- 656 • 10 years as an Oregon Registered Geologist
- 657 • Energy resource geologist
- 658 • Hydrocarbon and metallic ore geologist
- 659 • Oil, gas and geothermal senior mining Reclamationist
- 660 • Agency Rules Coordinator
- 661 • Expert Witness
- 662 • Interim Legislative Coordinator
- 663 • Agency Lead for the COOP Plan (activated and meeting every day since March due to COVID-19)
- 664 • Agency Risk Assessment Lead
- 665 • Key Performance Measure Lead
- 666 • Interim GS&S Program Manager

667
668 Avy said Houston brings strong technical leadership, budgeting, project management, and
669 communication skills to the position. Avy asked Houston where in Africa he did his international
670 work. Houston replied he helped out the Namibia Geologic Society and Survey for mapping,
671 identifying some metallic ore resources and earth minerals and talked about their potential
672 geothermal resources.

673
674 Update: Internal Communications Plan

675 Avy stated the Leadership Team has met a couple of times and updated the Internal Communications
676 Plan. Sarah Lewis has agreed to take on the lead for monitoring and evaluating the Agency's progress
677 on implementing the plan and to keep it on track. The next step is for staff to provide input on the
678 most recent version that was forwarded to the Board on August 5, 2020. Feedback from staff is
679 anticipated in December or January.

680
681 Strategic Planning 2022-2028

682 Avy said there remain uncertainties for the FY21-23 Agency Request Budget and Policy Option
683 Packages (POPs). At this point, the Agency does not know if there will be funding available for a
684 strategic planning facilitator. Even though the recent revenue forecast is positive, it could change.

685
686 All the POPs in all the agencies' budgets have been declined/rejected. Every agency has an
687 opportunity for an appeal to reinstate their POPs. DOGAMI expects to have an appeal meeting take
688 place within a few weeks. The next revenue forecast is November 18, 2020. The Governor's Budget
689 will be completed in late November or early December, but the Agency will likely not know until late
690 spring what the final 2021-23 biennium budget will be for the Agency.

691
692 Briefing: **No Board Action Required.**

693
694 **14) Confirm Time and Date for Next Meeting:**

695 Chair Maffei stated the next DOGAMI Board is currently scheduled for Friday, December 4, 2020 at
696 8:30 a.m. – 1:00 p.m. in Portland. She confirmed this date is still acceptable for the Board. The next
697 meeting will include the Director's Evaluation.

698

699 **15) Public Comment:**

700 Only written comments received prior to or by 1:35 p.m. on the day of the meeting were to be
701 accepted. Chair Maffei asked for any written public comments. No public comments.

702

703 **16) Board Adjourn:**

704 Chair Maffei adjourned the meeting at 12:53 p.m.

705

706 APPROVED

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Laura Maffei, Chair