

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

Tuesday, December 1, 2022

8:30 a.m.

Virtual Public Meeting

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

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

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

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

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

Ruarri Day-Stirrat – Director/State Geologist

Sarah Lewis, MLRR Program Manager

Lori Calarruda, Recording Secretary/Executive Assistant

Alex Lopez, Public Affairs Coordinator

Steve Dahlberg, Chief Financial Officer (CFO)

Jason McClaughry, Interim GS&S Program Manager

Bill Burns, Engineering Geologist

Laura Gabel, Coastal Field Geologist

Christina Appleby, Legislative Coordinator/Geohazards Analyst

Others in attendance:

Diane Lloyd, Department of Justice (DOJ)

April McDonald, Legislative Fiscal Office (LFO)

Sione Filimoehala, DAS Office of the Chief Financial Officer

Annette Nelson – OSU Student

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

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

2 Chair Ashford/Director Day-Stirrat welcomed new Board Members Anne MacDonald and Erica
3 Medley. They introduced themselves at the previous meeting.
4

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

6 Chair Ashford asked if there were any changes to the minutes as presented. No changes.
7

8 Board Action: **Kozlowski moved to approve the minutes of September 27, 2022 as submitted.**
9 **MacDonald seconded. Motion carried.**
10

11 **5) Confirm 2023 Board Meeting Dates:**

12 The Board discussed the Proposed 2023 Board Meeting Dates.

13

14 The 2023 DOGAMI Board Meeting dates are:

15

16 **March 6, 2022 (Monday)**

17

18 **June 26, 2022 (Monday)**

19

20 **September 25, 2022 (Monday)**

21

22 **December 11, 2022 (Monday)**

23

24 Board Action: **Kozlowski moved to approve the proposed Board Meeting dates as discussed.**

25 **MacDonald seconded. Motion carried.**

26

27 **6) Financial Report:**

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

31

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

36

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

43

44 Federal Funds has an Expenditure Limitation Authority budget of just under \$5.8M Budget, with
45 expected Expenditures of \$5.2M, resulting in being nearly \$0.6M under the authorized budget
46 (10.3%). The Revenues of \$5.2M, comes from Grants: \$2.3M (44.2%), Lidar almost \$2.9M (55.8%).
47 Lidar is the largest bulk of DOGAMI's work, but the Agency continues to work with federal funders for
48 future projects. Dahlberg stated the Agency has made a conscious effort to shift towards large
49 federal grants, away from many small ones.

50

51 MLRR has an Expenditure Limitation Authority budget of \$4.3M, with expected Expenditures of
52 \$4.1M, resulting in \$0.23M under budget (5.4%). The Revenues of \$4.9M comes from fees and DEQ
53 Water Quality permits.

54

55 Kozlowski asked Dahlberg about the Agency being \$1.5M under budget and if it received more grants
56 than expected. Dahlberg explained Other Funds are driven by grants from other State agencies or

57 private partners. This year had a little slow down but anticipates the 2023-25 biennium to be
58 stronger.

59
60 Chair Ashford asked for clarification of Other Funds. Dahlberg explained the Other Funds budget is
61 actually an Expenditure Authority and the limitation amount the Agency can spend up to; they are
62 also reimbursement type funds, where the Agency must spend money for staff and other resources
63 to receive them. Ashford stated he is understanding being underbudget to mean that is not
64 necessarily the amount the Agency will spend. Dahlberg answered that is correct and explained that
65 compared to General Fund, where the Agency is provided a budget it can spend up to but not go
66 over, for Other Funds and Federal Funds it is given an authority to spend, but if there are no grants
67 there is no money to spend.

68
69 For updates and highlights, Dahlberg said DOGAMI submitted two large USGS 3DEP Lidar proposals:
70 Willamette Valley for 8,169 sq miles, about \$4.1M, and Deschutes County for 5,810 sq miles, about
71 \$2.8M. The Agency successfully collaborated with Oregon Department of Forestry for an almost
72 \$2.2M Lidar project to cover 4,629 sq miles, that is driven by the Private Forest Accord. The Agency
73 will need to request an Other Funds Expenditure Limitations Authority Budget increase for about
74 \$730,000 in early 2023. Dahlberg said the Agency received a Gold Star Certificate from DAS CFO for
75 excellent financial work in fiscal year 2021, he recognized the Business Office team for their good
76 work this last year.

77
78 Dahlberg said regarding the status of the 2023-25 Budget process, the Agency had a meeting with the
79 current Governor's Office for initial processing of POPs and CFO Analyst recommendations. DOGAMI
80 is waiting for the transition of the Governor's Office and staff and expect the Governor's
81 Recommended Budget (GRB) should be completed in January 2023.

82
83 In closing, Dahlberg said DOGAMI is doing well and has a very healthy outlook.

84
85 Chair Ashford congratulated Dahlberg on his great work since taking over as CFO and thinks the
86 acknowledgement by DAS is an indication DOGAMI is doing things right. Kozlowski agreed.

87
88 Medley asked what the criteria is for needing to get new Lidar. McClaughry stated there are still
89 areas of the State that have not been flown yet, and DOGAMI is working with USGS to cover the rest
90 of the State. For the Willamette Valley, it was collected back in 2007 and 2009, sensors have
91 improved providing for the ability to get better resolution on topographic data. In many areas there
92 is room to improve the Lidar data and bring it all up to USGS standards for the federal data
93 collections.

94
95 MacDonald added kudos for the work the Agency has done.

96
97 Kozlowski asked about the transition of leadership at the State. Director Day-Stirrat said it is up in
98 the air at the moment, but the Chief of Staff and the DAS Director have been appointed; there are a
99 lot of things that have to be worked out.

100
101 Board Action: **Kozlowski moved to accept the Budget Status Report as presented. Medley**
102 **seconded. Motion carried.**

103
104 **7) Civil Penalties:**

105 Sarah Lewis, MLRR Program Manager, presented Program recommended Civil Penalties.
106
107 Lewis stated the MLRR Program is asking for consideration of Civil Penalties. She explained Civil
108 Penalties have been in place for two years now and provided a little background for the new Board
109 Members. She discussed how the Program prioritizes which sites to go after for Civil Penalties and
110 reviewed the framework of the Continuum of Mining Without a Permit (MWOP) to reflect how they
111 determine the severity of the violation. Lewis explained the continuum table with the range and
112 types of considerations used by DOGAMI staff to assess each MWOP case. It lists major factors for
113 determining severity and includes mitigating consideration and aggravating elements. The violations
114 at each site may then be considered across the spectrum of each factor. By taking all the factors
115 together, they get a sense of the overall severity of the violation, and can rank the site or case on a
116 scale from 1 to 10. She noted that there is no zero on the scale; every mining without a permit site is
117 technically eligible for a Civil Penalty. Due to limited resources, and with the Governing Board's
118 support, the Program can only focus on the most egregious cases that are 7 or higher.
119
120 Lewis reviewed the Morgan Creek site to demonstrate how staff determined the rating. Based on
121 magnitude of harm and aggregating factors, it was ranked an 8, and the case was approved by the
122 Board for Civil Penalties in July of 2020.
123
124 Lewis reviewed the steps for Proceeding with Civil Penalties. The framework was developed in 2019
125 in conjunction with DOJ, following DOGAMI's rules and statutes, which is all summarized in an
126 Internal Management Directive available on the Agency's website. Lewis stated the Program tries
127 every avenue possible to achieve compliance before asking for Civil Penalties. This usually means the
128 site has been in non-compliance for several years.
129
130 Ashford asked about the Class 1-4 Violations and noticed that Class 4 Violation goes directly to the
131 Board. Lewis explained Class 1-4 are DOGAMI classes that are increasing in severity; an example of
132 Class 1 being non-payment of renewal, and Class 4 being Mining Without a Permit.
133
134 Lewis briefly discussed what happens if the respondent requests a hearing. She stated there
135 continue to be opportunities to resolved the case informally throughout the process; and mentioned
136 the options that can be taken if the respondent is unable to pay.
137
138 Lewis said the Morgan Creek site did ask for a hearing and discussed how the process played out. It
139 was resolved via a Consent Agreement, which she stated has been effective. All the established
140 milestones have been met to date, and the agreed to penalty payments are being received timely.
141 Lewis shared photo evidence of the success with two pictures of site showing before and after the
142 required reclamation steps were taken.
143
144 Lewis presented the new case Ekroth Quarry (29-0040), Mining Without a Permit via Trespass. It is a
145 permitted site in Tillamook County and the current permittee took it over in 2010. They have mined
146 outside their approved permit boundary since 2014. Efforts to achieve compliance with the site have
147 involved multiple agencies over several years.
148
149 In the June 2021 Board meeting, MLRR presented this site's details, which also included mining on to
150 State lands, where the Department of State Lands holds the mineral rights, and Department of
151 Forestry owns the timber. There were two landslides into Electric Creek, which is Marbled Murrelet
152 nesting habitat. Originally MLRR anticipated having a penalty amount by the December 2021 Board

153 meeting, but subsequent updates to Board included progress being made with the hiring of a
154 qualified consultant, and good coordination amongst State agencies and with the permittee.
155 Unfortunately, progress has completely stalled.

156
157 Lewis said the Ekroth Quarry has significant aggregating factors, and ranks as a 9 on the continuum.
158 The permittee continues to comply with the Suspension Order, however at last contact in October
159 2022 the consultant was no longer working with them, and MLRR staff have not received any
160 indication of their next steps. Their continued lack of response is why this request comes to the
161 Board.

162
163 Lewis said to develop recommendations for the amount, we reviewed the documented and classified
164 violations that include:

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

178
179 Lewis then reviewed the chart for Determining Magnitude of the Violations to assess the amount of
180 Civil Penalties. None of the mitigating factors are currently applicable at the site. All the aggregating
181 factors can be assessed for the term of this violation. Because of that, the Program has chosen to
182 use the maximum amount for each occurrence of the violations.

183
184 Kozlowski asked about the moderate rating to determine the amount. Lewis explained the
185 moderate/median is the default amount and then either goes up or down in charges based on
186 mitigating and/or aggravating factors.

187
188 Kozlowski asked when the cooperation stopped. Lewis answered over the last 6 months. The
189 Program had been working with their consultant, but then the consultant said they were no longer
190 working with them, so the avenue for progress has stopped since MLRR is unable to contact them.

191
192 Ashford asked about the economic benefit and the difference between mitigating and aggravating
193 factors. Lewis explained it is for economic benefit, a larger amount would be aggravating.

194
195 Lewis reviewed the Aggravating Factors that include economic benefit, magnitude of harm, number
196 of violations, previous similar violations, and pattern of conduct. She stated this is where the
197 documentation comes in. MLRR can demonstrate the magnitude of harm by: the sediment
198 deposition into Electric Creek due to the slides; calculating the volume of that material, and if that
199 was removed and sold, what that economic benefit would have been to the operator; and the width

200 of the setback that they were not supposed to mine into, as it has a volume that can be calculated by
201 using the numbers of trucks sold into market. The Program was able to make some estimates around
202 what that economic benefit might be and are cautiously looking at somewhere over \$1M with this
203 site. Lewis stated this has been going on for over 8 years and the Program has the ability to
204 determine how to calculate the number of occurrences for either daily or annually.
205

206 Chair Ashford asked if the Agency is setting precedent or does DOGAMI have the freedom to look at
207 each set of violations independently. Lloyd said the Agency is in the beginnings of implementing the
208 Civil Penalties Program and going forward it is trying to develop the guidance for staff to maintain
209 consistency by applying the factors consistently to make sure that individuals in this situation are
210 treated equally and reasonably. But each of these factual situations is unique, which limits it in that
211 way. Lloyd said the goal with the IMD and the directives to staff, is to try to ensure that the
212 Department is following a process that will result in similar results in similar situations. Lloyd added
213 as the Agency develops this Program and uses these tools more than what have existed, the Board
214 could move towards putting more of this in rule, so that there are more of these standards in the
215 rules, so that the public's aware of those at the outset.
216

217 Chair Ashford thanked Lloyd and said every time the Board does something, they will want to reflect
218 on what was done the last time, as he is sure some of the violators will as well.
219

220 MacDonald asked if the Agency is working with DEQ to determine water quality violations and if
221 there are overlapping penalties. Lewis explained DOGAMI is not double penalizing them, that each
222 agency has their own set of penalties and violations. DEQ was a \$5,600 penalty for the water quality
223 violation; \$4,713 in royalties to DSL; and ODF will also recover the loss of timber and timber
224 production at the end of the project, when that amount is assessed. She said DEQ has a very
225 prescribed rule for their calculation and she did not know the frequency, but could check with DEQ.
226

227 Lewis reviewed the Total Occurrences for each violation chart, which some of these occurrences go
228 back to 2012. Chair Ashford asked the reason for using a monthly basis. Lewis answered the time
229 frame for complying with orders is usually 3-6 months, so using the year step would allow for
230 overlooking them a couple of times per year, which is why she thinks a month is a more appropriate
231 step.
232

233 Lewis asked for Board approval for Penalty Option 2 in the amount of \$432,000 with a lower
234 threshold of Expedited Enforcement Offer (EEO) amount of \$68,500, that allows the Program
235 flexibility in negotiations, while ensuring that a minimum penalty is set; the Program could not go
236 below this amount without additional approval by the Board. The Program's ultimate goal is to get
237 the site in compliance.
238

239 Chair Ashford said he thinks the number of occurrences is reasonable and does not think the number
240 of occurrences should be lowered, but the amount charged can be. He thinks the EEO should be
241 higher. Medley agreed with Chair Ashford that for setting precedent going into the future, the
242 number of occurrences should be higher and charging a lower amount makes more sense to her.
243

244 MacDonald asked if the minimum amount with the additional bond amount will cover the cost of the
245 reclamation, including work on the sediment deposition in Electric Creek. Lloyd said DOGAMI's
246 authority is in statute ORS 517, the authority is in setting the reclamation bond to cover the amount

247 to reclaim the site based on the reclamation plan. The amount of the Civil Penalty is truly a penalty,
248 and not designed to mitigate for natural resources, or for habitat loss.

249
250 MacDonald understood what Lloyd said, but Lewis had mentioned the reclamation bond had not
251 been increased to account for the mining on the trespass land and into the buffer. Lewis replied the
252 EEO would only be offered if there were other agreements in place to ensure reclamation.

253
254 Lewis referred to the program's calculations and informed Chair Ashford that if the number of
255 occurrences were calculated monthly the EEO would increase from \$68,500 to \$113,000.

256
257 Kozlowski said the goal is to go in and to negotiate and to provide action, but thinks the higher
258 amount may get their attention. The amount is high, but she worries a lower amount would not
259 cover cost recovery for staff's time. Lewis stated the Program is not allowed to consider that when
260 determining the penalty amount, it can only rely on the violations and occurrences. Lloyd added
261 there is not specific provisions for that in the statutory authorities.

262
263 Lewis reminded the Board that Civil Penalties collected do go towards Program expenses incurred to
264 administer the Civil Penalty first. So, unlike other agencies, DOGAMI does receive those Civil
265 Penalties for Program use, specifically the Voluntary Reclamation Program under Division 38. A
266 discussion took place and Lewis said the EEO (\$68,500) is the lowest amount the Program would be
267 comfortable with.

268
269 Kozlowski asked what the first steps are. Lewis answered the Notice of Civil Penalty Packet for the
270 higher amount, that will include the milestones for reclamation and the expectations; the EEO is a
271 negotiating tool.

272
273 Medley said the resulting amount and penalty is reasonable. It does seem really egregious, the
274 amount of time and the fact that they did have awareness at one point and then dropped it. The
275 more the Program can make the aggregating and mitigating factors more quantitative for the future,
276 she thinks is great when describing volumes and quantities. It is really helpful for being able to
277 remove any subjectivity one might have.

278
279 MacDonald said she looks at the penalty amounts relative to the estimated economic benefit, and
280 would hate to see an enforcement program that assesses penalties that are so low that it becomes
281 an easy cost of doing business, incurred penalties. She appreciates the work that Lewis and her staff
282 has done to pull this together, and supportive of going forward with the proposal.

283
284 Kozlowski said she is really impressed with the work Lewis and her staff have done; it is an excellent
285 job.

286
287 Chair Ashford agreed and appreciated them starting this Program and getting it to this point and
288 making it as clear as it is, and really prioritizing the sites. He thinks it is something that has helped
289 the Board.

290
291 Board Action: **Kozlowski moved to accept the Civil Penalties Proposal as presented. Ashford**
292 **seconded. Motion carried.**

293
294 **8) Technical Presentation: Post-Fire Debris Flow:**

295 Bill Burns, Engineering Geologist, gave a technical presentation on Post-Fire Debris Flow.
296
297 Burns stated the presentation would be on some Post-Fire Debris Flow research and projects the
298 Agency is working on, related to the mega fires in Western Oregon that happened on Labor Day 2020
299 and burned about 11% of the Cascades in Oregon.
300
301 Burns discussed the Eagle Creek fire of 2017 located in the Columbia River Gorge. He said on January
302 12-13, 2021 there was an Atmospheric River storm in that caused debris flows and one out of Levens
303 Creek that caused a fatality. These events were a wakeup call for research to understand post-fire
304 debris flows, and the risk, and work on risk reductions, especially in Western Oregon, where they are
305 very poorly understood.
306
307 Burns discussed the research teams DOGAMI staff joined, focusing on the partnership and data
308 collection with the USGS Landslide Program. This program is where, after fires in the US, they go in
309 and run their post-fire debris flow models, which tries to predict where there might be post-fire
310 debris flows in the future. Research is being done trying to determine where and how debris flows
311 start; staff collect field points, field notes and pictures for each one. The goal is to update the USGS
312 likelihood model for regions of Oregon. It helps them to determine how much rainfall it takes before
313 a debris flow will occur. This will help them determine thresholds of rainfall that will allow them to
314 put out alerts before the storm.
315
316 Burns stated most of the post-fire debris flow research has taken place in Southern California, in
317 Arizona, New Mexico, and Colorado, where they have very different climates, geology, vegetation
318 and types of rainfalls that happen in those areas. They are not sure if those models actually work
319 here in Western Oregon, where there are extreme differences, and since there does not need to be
320 forest fires to cause debris flows, it can happen without fires. He showed a graph depicting visually
321 what might be happening.
322
323 He explained another major part of the research being done in Western Oregon on investigating how
324 debris flows start by asking questions related to: if there is more runoff; trees losing root strength;
325 soils change because all the ground force floor vegetation being burned off; timber harvesting.
326 Research is being done with Oregon State University, looking at the root strengths and how the root
327 strengths change when a forest burns. The thinking is there could be a decrease in that root
328 strength, causing an increase in landslides in these post-fire environments.
329
330 Burns stated some conclusions on the post-fires debris flow research are that wildfire does have an
331 influence on debris flows in Western Oregon, but is probably quite different than what happens in
332 the drier climates of Southern California, Arizona, New Mexico, and Colorado. More research is
333 needed to determine how much rainfall feel when there were debris flows, or non-debris flows, so
334 that thresholds can be established.
335
336 Burns discussed DOGAMI proposed projects to FEMA to further assess the Post-Fire Debris Flows and
337 work with the impacted communities on risk reduction. Some of the Scope of Work include
338 collecting Lidar, mapping past events and deposition areas; modeling the future susceptibility;
339 analyzing the risk (buildings with people living in them in the hazard zones), and determining and
340 implementing risk reduction steps.
341

342 Kozlowski asked what some of the ways they mitigate the potential landslide hazards. Burns said by
343 determining risk reduction; the first step is awareness: making people aware of the area they are in
344 and informing them of the hazard zone. Once they are aware, working on establishing the thresholds
345 so landside warnings can be properly issued. Other options include DLCD working on land use
346 planning – mitigating the hazard and/or avoid building in those areas; catch nets: debris flow netting
347 to help reduce the spread of the flow.

348
349 Kozlowski asked what LCOG was. Burns answered Lane Council of Governments, located in Lane
350 County where the Holiday Farm fire took place. He explained the Agency can pass through grant
351 money to DLCD and LCOG to help with the post-fire debris flow projects; they are partnering with
352 DOGAMI.

353
354 MacDonald said this work would connect up with ODF&W, Department of Forestry, and OWEB’s
355 revegetation strategies. She asked if they are looking at debris flows damming creeks and addressing
356 hazards related to flooding upstream caused by blockage, channel migration zone, issues around
357 evulsion. Burns said DOGAMI is working with all these agencies, along with many other State
358 Agencies and making them aware. With regards to channel blocking, the Agency is also looking at
359 mapping the hazard.

360
361 Medley asked since the State gets atmospheric rivers and debris flows in non-burned areas all the
362 time, if they are looking at sort of the relative risk level after an area has been burned, and how much
363 more at risk, or what would that threshold be for precipitation and cause these debris flows in an
364 area that has been burned versus one that has not. Burns explained they are looking at looking at
365 the background hazard and mapping that hazard because it is important. He said there are a few
366 dams along the North Santiam there are concerns about. Some debris flows actually flow into bodies
367 of water like lakes and some may effect drinking water; there are also concerns with infrastructure
368 damage.

369
370 Kozlowski asked when they will be at the risk assessment standpoint. Burns explained they have four
371 projects in those areas that are in a stair step phase approach and are expected to take 2-3 years to
372 complete.

373
374 Kozlowski stated that partnering with other agencies and providing the data so they all can work for
375 the same result is impressive.

376
377 Briefing: **No Board Action Required.**

378
379 **9) MLRR Update:**

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

381
382 Survey Responses and Customer Service

383 Lewis said there were some lingering requests and questions from the presentation around the Key
384 Performance Measures at the September meeting, so additional information about longer term
385 trends in those survey results and some ideas for improving responses going forward will be
386 provided.

387

388 Lewis stated KPM 5 Customer Service was originally shown as the total number of responses for the
389 Agency. She showed graphs reflecting the breakdown between the MLRR and GS&S programs and
390 the percentage of responses ranked good or excellent; the number of responses has gone down over
391 the last three years. Kozlowski asked if the Agency knows why there was such a reduction. Gabel
392 said yes, there's a lower level of engagement between GS&S and customers versus MLRR, and once a
393 year an email blast is sent out, which was delayed getting out this year. Going forward, the Agency
394 will implement sending out multiple emails; having an online survey; asking people to do a survey
395 when they view or download our publications and when staff give a presentation; and emails will be
396 sent out to certain groups after specific meetings. Kozlowski said they sound like excellent ideas and
397 will see how it is working. Kozlowski asked to have an update provided at the June meeting.
398

399 Gabel provided an answer to Board Chair Ashford's previous question on KPM 1 about the measure
400 of how many of the State's Urban Growth Boundary (UGB), all the population centers, have had
401 hazards mapped, because it looked like all had something done. Gabel looked into it, and as the KPM
402 is defined and calculated, something has been done, as every UGB is getting credit for the statewide
403 earthquake shaking maps done for both Cascadia and any crustal faults. She explained that she
404 removed that blanket statewide work, and of the 217 UGBs, and all but 68 have had something
405 mapped outside of that layer. Kozlowski asked Gabel to give Chair Ashford a call with the
406 information.
407

408 Lewis continued her update discussing the MLRR portion of the Customer Service Responses and tied
409 them to the decrease in timeliness of processing active applications. She reviewed a graph that
410 compared them from 2020 to now. The current applications processing time is an average of 11
411 months, and the Program's goal and target is around 4-6 months. In addition to doubling the
412 timeline, the number of applications have doubled, and the fact that staff are keeping processing at
413 11 months is testament to their continued productivity.
414

415 Lewis reviewed the breakdown of the responses and comments, then discussed action steps the
416 Program is taking to address the concerns. Lewis stated there are not a lot of easy solutions, since
417 the processing of permits takes technical expertise by staff, but additional staff members have been
418 brought on to help and there has been incremental increase/improvement in the Program's ability to
419 process the permit applications more quickly.
420

421 Regarding communication, several ideas were discussed at the September meeting. The Program has
422 developed and implemented a triage protocol for handling emails and will work to acknowledge
423 emails within 3-5 business days, and provide a substantive response or a timeline for follow up in
424 that email; which only half of the staff feel they can do that right now. It was also brought up to have
425 an auto-reply message to go out stating staff are overwhelmed but will get back to them; two staff
426 have implemented that option.
427

428 Kozlowski asked of the two staff, what percentage of their time is spent on responses. Lewis said
429 40%-50% of their time. She added staff are very frustrated and would love to be able to answer all
430 the questions, and they want to be able to process permits faster, but it has gotten to the point
431 where the request for status updates is actually interfering with their ability to make progress on the
432 reports. Kozlowski said at least an answer is better than no answer at all and it should help.
433

434 Lewis said outreach is another category they received feedback on. In addition to the quarterly
435 newsletter and putting information on the website, staff are coming up with ideas about how to

436 provide tutorials on how to fill out forms, or hold virtual meetings where they walk people through
437 certain things, but that will depend on staff capacity. The Water Quality Program, in coordination
438 with DEQ is an example of successful outreach by MLRR and could be a model for the whole program.
439

440 MacDonald said Department of State Lands has a robust status portal and asked if the Program has
441 looked at using something like that. She also thinks they will always get chunks of permits and asked
442 if the program has consultants they could look at having as backup. Lewis said the Program did not
443 have the capacity financially in the past and it would be less expensive to have staff long term. The
444 Grassy Mountain Project does have on call consultants that are reimbursed as part of the direct cost
445 recovery project. With respect to a portal, Lewis said they did work with DSL and DEQ around
446 potential implementation of online tracking and permitting . The Agency's number one Policy Option
447 Package (POP) is for ePermitting that will actually piggyback on DEQ's Your DEQ Online system.
448

449 Permitting Update

450 Lewis said the program has received a few more permit applications since the last meeting, and are
451 up to 72.
452

453 Lewis officially recognized and thanked Cathy Cross, who was the MLRR Office Specialist since 1992,
454 for her work; she stated today is Cathy's last day as she has retired. The recruitment has been posted
455 for the position and it closes December 11th. Staff are helping to cover the work she did until
456 someone is hired.
457

458 For the Grassy Mountain update, Lewis stated there has been some media coverage lately. The
459 Technical Review Team (TRT) met and the Consolidated Application process continues to move
460 forward. The application has not been deemed complete yet and DOGAMI is waiting on additional
461 information from the applicant. DOGAMI and BLM have an agreement in place to coordinate to the
462 maximum extent possible, and keep the timelines in step for the NEPA Process at the federal level
463 and the state's Environmental Evaluation. which occur after the applications are complete. It is a
464 great team at BLM and there are frequent meetings working to make sure that everything moves in
465 lockstep as it goes forward.
466

467 Kozlowski said Glassy Mountain has turned out to be very complex.
468

469 Briefing: **No Board Action Required.**
470

471 **10) GS&S Update:**

472 Jason McClaughry, Interim GS&S Program Manager, provided an update on the GS&S program.
473

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

477 The Board Packet has the first GS&S Program newsletter called Oregon GEO and it focuses on Agency
478 updates, as well as particular staff highlights or scientific research topics that are going on within
479 GS&S; it is available online. This will be a companion to the ENGAGe Newsletter that's put out by
480 MLRR.
481

482 McClaughry reviewed in detail two Lidar proposals, and stated he is proud of the Lidar team's efforts.

- 483 1. USGS 3-Dep FY23Proposal for \$7,219,268, covers parts of ten counties, including 7,081 sq. miles
484 in the Willamette Valley for \$3,698,393, which is largely updates to make it 3-Dep compliant, and
485 6,714 sq. miles of Deschutes County for \$3,520,775.
- 486 2. Oregon Department of Forestry/Private Forest Accords cooperative agreement for \$2,182,537.50
487 that covers 4,629 sq. miles.

488
489 McClaughry stated conversations have been started with Bureau of Land Management (BLM) for
490 another 5,000 sq. miles to be collected in parts of Oregon. He showed a map for the Lidar coverage
491 and said he anticipates in the next 3-5 years moving towards have statewide coverage of Lidar data.
492

493 Briefing: **No Board Action Required.**
494

495 **11) Director's Report:**

496 Ruarri Day-Stirrat, Director & State Geologist, provided an update on the Agency.
497

498 Agency Update

499 Director Day-Stirrat stated due to the Lidar projects the Agency will need to ask for an Expenditure
500 Limitation increase. Both analysts from LFO and DAS CFO are aware of the implication, as the Agency
501 speaks to them on a regular basis.
502

503 Day-Stirrat attended the OCAPA Board meeting the week before Thanksgiving, where he informed
504 them of the current situation regarding the number of permits; the lobby group and membership are
505 aware of the situation and conversations with OCAPA will take place around solutions.
506

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

- 511 1. The Agency has been working on the Continuity of Operations Plan (COOP), a formal document
512 that describes the legal necessities of the Agency in an event of a disaster, and outlines
513 succession planning and communication with staff; it is mostly done.
- 514 2. DOGAMI has been reinvigorating the Disaster Preparedness Plan with Alex Lopez taking the lead,
515 there is no overlap with the COOP.
- 516 3. The COOP and Disaster Preparedness Plan will be rolled out to staff at the end of January, who
517 will be asked to provide personal cell phone numbers as part of COOP; there is a Communication
518 Plan in the event of a disaster.
- 519 4. Several months ago the Agency participated in the Governor's Disaster Cabinet; at the meeting
520 DAS requested that all leadership affirm they were 14 days ready, that affirmation has occurred.
- 521 5. The Agency Safety Committee and labor, have reinvigorated the Agency's field safety
522 documentation and included a recent policy. This is important to the Agency and comes with a
523 small financial burden for equipment needed to ensure staff of both Programs are safe in the
524 field while doing State business.

525 6. Finally, the Agency is working with DAS Motorpool to exchange older end-of-life vehicles for new
526 up-to-date vehicles, as safety starts at the office and finishes when staff return to the office. This
527 is not to downplay office safety.

528
529 Kozlowski said it is amazing and really that the Agency, for which represent disaster preparedness,
530 has an internal program; it is consistent with its mission, and thanked Day-Stirrat for doing it.

531
532 Briefing: **No Board Action Required.**

533
534 **12) Public Comment:**

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

537
538 Kozlowski thanked Medley and MacDonald for joining the Board, their input is helpful and broadens
539 the approach as the Board looks at both MLRR and GS&S issues.

540
541 **13) Board Adjourn:**

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

543
544 APPROVED

545
546 

547
548

Scott Ashford, Chair

549