

JOINT COMMITTEE ON WAYS AND MEANS
SUBCOMMITTEE ON NATURAL RESOURCES
Oregon State Capitol
900 court Street NE, Room H-178
Salem, Oregon 97301

February 3, 2021
8:00 A.M.
Room Remote E

Public Hearing
HB 5010
Department of geology and Mineral Industries

Testimony in Opposition

Despite the Bandwagon of support for Department of Geology and Mineral Industries, that I am told testified in favor at today's public hearing, the facts and long history of DOGAMI demand otherwise. These reasons are well-detailed in the accompanying letters to two of Oregon's former governors. And, in all sincerity, the present economic budget crisis makes this the ideal time to address this state government embarrassment that should have been dealt with previously and long-ago.

There are three main areas that demand cessation of funding in the present matter of DOGAMI. The first is that they are not a true state agency, but rather a "semi-independent agency," formally under direction of a Governing Board, which is not legitimately qualified to direct an ostensibly science-based agency. The tail ends up wagging the Dogami, and this extra layer of bureaucracy is extra expense (particularly the charged expense for Attorney General counsel) without either merit or reason.

The second is they are eternally in need and demand of E-Board resuscitation and outside federal funding to keep themselves afloat, although barely affluent. In the 1970s, when legislative funding was being drastically cut, acting State Geologist Ralph Mason read to the committee from the Oregon Revised Statutes all of the references in statute to Dogami and its duties. This was so effective that henceforth the (semi-independent) agency, with a vengeance, continually wrote themselves "on steroids" into statute at every opportunity. This allowed them to promote their own self-interest, but at the expense of good governance and real public safety in the face of Oregon's many homegrown natural hazards.

Common sense is not so common, it turns out. Geologic science activities should be provided as a division of a natural resource (and true, not semi-independent) state agency. Then their time could be better spent addressing mapping, science-based hazard mitigation, and other state needs, versus their own needs, which are: (a) systemically self-promoting their greatness; (b) continually searching for outside contracts, which often mostly fund staff instead of producing useful product; and (c) avoiding any accountability for the information and expertise they possess – preferring instead to simply "pass it on" to local governments without care that any effective measures are actually formally and regulatorily adopted.

Third, the greatest example of their shameless self-promotion and self-interest was their tentacle outreach into the Oregon Building Code, wherein they created an exception to the Building Code requirement for the installation of strong ground motion instruments in certain tall and important

buildings, so that there would be records of earthquake shaking damage effects on buildings to enhance future code requirements. The Dogami exception permitted the owner, in lieu of installing and maintaining instruments in buildings, to deposit an amount of money equal to the cost of the instruments into the Dogami Strong Motion Instrumentation Fund. This was a slam-dunk for many owners, because it eliminated the future costs of instrument service and maintenance. Very early on, when the Building Codes Structures Board learned that Dogami had (I believe) some \$60,000 in the fund, but had not purchased any instruments, they were hauled before the board to explain why. Dogami never held a rule-making hearing to adopt rules for managing the fund, never reported or even mentioned the fund at the Oregon Seismic Safety Policy Advisory Commission. And several years ago, when State Geologist Vicki McConnel left, Ian Madin told the Oregon Seismic Safety Policy Advisory Commission that there was (surprise!) \$80,000 in the fund . . . and said he didn't know how it got there! The tragic end was that Dogami gave the fund money to provide instruments for earthquake early-warning, and the instruments were never installed in buildings as the building code intended. There is little doubt that a full audit and accounting of the Agency will reveal that the department used the money improperly to fund its own operations, rather than the public safety purpose envisioned and required by the building code. This is the strongest argument against continued life as a semi-independent agency for Dogami. And why today's probably many claims about how important it is to fund Dogami to protect Oregon from Cascadia earthquakes and tsunamis and other natural hazards, while maybe well-intentioned, are just not, unfortunately, true.

Fourth, their history speaks for itself. They cannot be counted on for their support for important Oregon matters if it does not serve their own self-interest. Their absence from the important efforts to upgrade Oregon's building code for the coastal region to address specifically M9 Cascadia subduction zone earthquakes is the most prominent example of benign neglect, malfeasance and dereliction of duty. Yumei Wang, who chaired the Oregon Seismic Safety Policy Advisory Commission at this time, would not even admit at the Commission meeting that Dogami's Governing Board had endorsed the action. Her bad behavior, along with the well documented Dogami record of self-promotion/self-preservation, I believe is what disqualified her from position of Oregon Resilience Officer, for which I believe she applied. You can't lead in Resilience when it is disclosed that your very own agency has willfully sabotaged it over decades. Dogami always sees that it has a seat at the table, but remains unperturbed and unbothered when Oregon's Public Meetings Law is violated.

In closing, the state budget crisis provides the appropriate opportunity to correct this imbalance to both the ethical practice of science, as well as meaningful enhanced preparedness for natural hazards. This anachronistic albatross of a "semi-independent agency" has not served Oregon well, cannot serve Oregon well; and this is the most ideal time to forthrightly address this not only problem, but detrimental waste of financial resources.

Respectfully submitted,

James Bela

Oregon Earthquake Awareness