

Oregon Department of Forestry  
**Riparian Rulemaking Advisory Committee**  
March 22, 2016

FACILITATOR'S SUMMARY

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*The following Facilitator's Summary is intended to capture basic discussions, actions and agreements, as well as point out future actions or issues that may need further discussion at upcoming meetings.*

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***Committee members present:***

Mike Barnes, NW Regional Forest Practices Committee  
Dick Courter, Small forestland owner, consultant  
Eugene Foster, DEQ Watershed Management Division  
Kevin Godbout, Weyerhaeuser  
Randy Hereford, Starker Forests  
Jim James, Oregon Small Woodlands Association  
Dana Kjos, SW Regional Forest Practices Committee  
Bruce McIntosh, ODF&W  
Rod Sando, NW Sportfishing Ind. Association (via conference phone in p.m.)  
Mary Scurlock, Oregon Stream Protection Coalition  
Rex Storm, Associated Oregon Loggers  
Bob Van Dyk, Wild Salmon Center  
Heath Curtiss, OFIC (alt. for Seth Barnes who was not present)

***Alternates present:***

Rick Barnes, Barnes and Associates  
Paul Betts, Miami Corp.  
Jon Bowers, ODFW  
Sanford Hillman, SW RFPC,  
Randy Silbernagel, NW RFPC  
Meghan Tuttle, Weyerhaeuser

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***Project Team members***

Marganne Allen, ODF Policy and Monitoring Manager  
Kyle Abraham, ODF Water Quality Specialist  
Keith Baldwin, ODF Private Forests Field Sup. Coord.  
Peter Daugherty, ODF Chief Private Forests Division  
Susan Dominique, ODF Private Forests Admin. Support  
Nick Hennemann, ODF Public Affairs Specialist  
Angie Lane, Project Manager, ODF Policy Analyst  
Lena Tucker, ODF Deputy Chief Private Forests Division

***Guests:***

Gary Springer, Starker Forests  
Geri Aster, Mackenzie River Coalition  
Greg Miller, Weyerhaeuser  
Terry Frueh, ODF Monitoring Specialist

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***Meeting Facilitation***

DS Consulting, Portland

- Robin Gumpert
- Donna Silverberg
- Emily Plummer

**1. Welcome & Introductions**

Peter Daugherty, ODF, welcomed the committee to the second Riparian Rulemaking Advisory Committee (RAC) meeting. Robin Gumpert, DS Consulting Facilitator, reviewed the agenda, noting that there is a lot to discuss today, including teeing up conversations and information needs for the April meeting.

## 2. Public Comment

Robin invited any public comments; none were offered.

## 3. Follow-Up from February 19<sup>th</sup> Advisory Committee Session

**Facilitator's Summary** - Robin invited comments and/or approval on the February 19<sup>th</sup> summary. There was inquiry as to if the comments in the margin per the draft on the web will be accepted into the summary? It was noted that some of the comments were helpful in clarifying the conversation, however, some comments noted missing language that needed to be added. Susan Dominique, ODF, noted that the version of the summary on the RAC website is an old version, and the most recent version has the comments incorporated and was provided in today's information packet. The RAC requested more time to review the summary.

→ **ACTION:** The RAC will provide suggested comments to Susan by Friday, March 25th. The Project Team will post the final version of the summary on the RAC website. *[Facilitator's Note: following the meeting, an extension was provided for summary edits: edits are due to ODF by March 31<sup>st</sup>.]*

It was requested that edited documents note the date of change on the revised document so that everyone is clear on what version they are reading. There was also a request to provide 'red-lined' versions of any edited documents.

→ **ACTION:** Edited documents will include the date of revisions and red-lined copies of edits will be provided to the RAC.

**RAC Charter and Operating Principles** - Donna Silverberg, DS Consulting Facilitation Team, walked the group through the edits discussed at the February 19<sup>th</sup> meeting and incorporated into the Charter by the Facilitation Team.

The RAC discussed the 'Decision Making' section of the Charter and clarified that when the RAC does not reach consensus, the various perspectives presented should be relayed to the Board of Forestry (Board).

→ **ACTION:** DS Consulting will add the following language to the 'Decision Making' section in the Charter: ***When consensus is not reached, ODF will describe and address the full range of views which the Advisory Committee discussed and make a recommendation to the Board when final rules are considered.***

Donna asked if there were any additional comments on the Charter, there were no additions voiced. The group was asked to use the Five Fingers of Consensus to signify their level of support for the Charter, pending incorporation of the above stated edit. Donna reviewed the significance of the fingers:

Five Fingers of Consensus:

1. One finger signifies enthusiastic support;
2. Two fingers signify acceptance, no objections;
3. Three fingers signify a willingness to live with the decision;
4. Four fingers signify serious issues with the decision, however, not blocking it; and
5. Five fingers signify one's interest to actively block the decision.

Heath Curtiss, OFIC, asked whether a 1 through 4-vote would be considered consensus; so if one wants to register anything other than consensus, a 5-vote is required. Donna explained that any 2's or 3's will be provided an opportunity to share their reservations or concerns and that the Facilitators will note the strength of the consensus, for instance, all 1's and 2's is strong consensus, whereas 3's and 4's are weak consensus.

➤ **CONSENSUS: The RAC approved the Charter with a strong consensus (all 1's and 2's).**

**Public Meeting Laws** - Matt Devore, DOJ, provided a briefing of Oregon's public meeting laws and guidelines for operating as a public body. He provided a handout which is available on the RAC website.

Matt explained that decisions of public bodies are to be made openly and in a way that allows the public to track and understand the considerations and decision making. The RAC falls under public meeting laws, meaning that there needs to be notice of meetings so that the public can attend (coordinated by ODF staff); however, there is not a requirement for public participation. The RAC also falls under public records law, meaning that any records will be provided to the public if requested, including emails.

Matt noted that it should be expected that this process will be a hot topic for the public and there may be requests for information. Matt encouraged everyone to be organized in their record keeping in case of a Freedom of Information Act (FOIA) request. He suggested that RAC members print out emails, separate emails into a specific 'RAC' folder, or set up a separate RAC email account to help track materials shared. He also suggested that the RAC does not 'reply all' to emails, in order to avoid creating a quorum, and thus need for public notification. He noted that if the public meeting or records laws are compromised, it risks having to reinstate this process.

Comments, questions and responses:

- Q: Can you say more about how successive communication between members could constitute deliberation and movement towards a decision?
  - A: This could be a problem. Previously, groups were protected as long as it was not a quorum, however, recently there have been rulings on 'serial deliberations' being considered lobbying efforts. The courts will look to see if there was intent to get around the public meeting laws. If you have a meeting with some of your colleagues in order to further efforts outside of the public meetings, for instance a workgroup, make sure to bring the conversation back to the Committee during the public meeting so that it is officially shared with the rest of the Committee and the public. For instance, 'homework' should be noted in the summaries that it was done outside of the meeting and brought back to the committee.
  - Heath noted that OFIC will not make file records requests from other members.
- Q: What if a member writes a memo to supervisor within their organization, would this be part of the public record?
  - A: If it is just between a RAC member and constituents, DeVore offered that it 'probably' wouldn't be.
- Q: Do these rules apply to formal alternates as well?
  - A: Yes.

**Wildlife/leave trees** - Peter was tasked with reviewing the Board's decision regarding wildlife/leave trees. He reported that the Board decided that 50% of wildlife/leave trees can be located in the riparian management area (RMA) and that this is different than the current rules.

There was discussion around interpretation of the Board's conversation. Heath noted that from the OFIC perspective, the Board was intending to build in flexibility, and active management, and thus intended to allow wildlife trees in the RMA, to be double-counted, that is to also count towards the basal area requirement. Mary Scurlock, Oregon Stream Protection Coalition, clarified that the 'double counting' would not change what the basal requirement would be for the Variable Retention Option that the Board called for, however, may reduce the distribution of wildlife trees across the landscape. She continued that reducing the distribution of wildlife trees on the landscape was not an issue expressed during testimony;

however, it could be an issue if these trees are clumped. Peter clarified that on small streams, wildlife trees can in fact contribute to meeting basal area requirements.

Rex Storm, Associated Oregon Loggers, noted that wildlife trees, wherever they are, are a cost and obstacle for operators and that allowing them in the RMA is an incentive, as it allows the operator more flexibility, as to where they locate those trees to reduce costs and expense of the operation.

Mary asked if hardwoods count towards basal or wildlife tree requirements? Peter said that currently at least 50% of the wildlife trees need to be conifers. A large hardwood tree can count as a wildlife tree. ODF currently does not restrict where wildlife trees are on the landscape. Mary shared that from OSPC's perspective, incentives to provide more basal area within riparian areas are vital, regardless of if they are wildlife or not; she suggested that Heath's proposal may leave more trees in the riparian area.

Bob Van Dyk, Wild Salmon Center, clarified that a new rule would trump the current rules and that the question is if the operator should get credit for the wildlife trees counting towards basal area, not where they should be.

**The RAC drafted a suggested rule to provide to the Board:**

*“For both small and medium SSBT streams, any tree in the RMA that meets the wildlife tree requirements can count as a wildlife tree. And, up to 50 percent of required wildlife trees can count towards meeting basal area requirements.*

- **CONSENSUS: The RAC agreed, with strong consensus, that this suggested language should be provided to the Board as a RAC recommendation (all 1's and 2's).**

**Conifer count** – The RAC discussed the current rules for the minimum diameter of live conifers in the RMA. Peter noted that the Board said that unless otherwise stated, all previous rules stand, and there was no current live tree requirement for conifers on Smalls. however, said that the minimum diameter for live conifer count on Mediums is 8”. Peter continued that the Smalls minimum has not been established previously, because there was no Leave tree requirement on small streams in the current rule.

Mary suggested that the diameter minimum should be consistent for small and medium streams, as OSPC does not see an ecological reason to differentiate between the small and medium streams. She continued that more and larger trees in the riparian are needed to meet water quality standards.

Marganne Allen, ODF, noted that the defacto minimum of 6” for smalls, as anything smaller is not counted for basal area targets. Mike Barnes, NW Regional Forest Practices Committee, noted that the basal area of a 6” and 8” tree is relatively the same, and thus he is okay with either.

**Peter asked if there is any opposition from the RAC if the ODF staff recommends an 8” diameter for the conifer leave trees. There was no active opposition, however, some expressed that they do not know if it will be an issue in the future, depending on other decisions made.** Robin clarified that at this point, ODF is looking for initial input from the RAC in order to draft rule language which will come back to the Committee as part of the rule package for review. She assured RAC that this is not the last time that they will get to weigh in on these recommendations.

**Presence** – Peter provided a handout on “Using Fish Habitat to Provide Designation of Fish Presence” and shared examples of where the State of Oregon used habitat as a surrogate for fish use (for example ODF's Oregon Forest Practices Act, Department of State Lands Essential Salmonid Habitat, and Department of Environmental Quality's temperature criteria). ODFW Fish Habitat Distribution layer (FHD) is used as the best available information. It's analogous to the RFPC recommendation as a starting point. But the

Committee will be discussing and seeking their own consensus on what they suggest using as a starting point and how frequently it will be updated.

Members noted that some would be actively opposing the use of presence only.

Peter reminded members that ODF has used the current and historical FHD layer for all the analysis presented to the Board. He clarified that he wants to hear, first of all, about the agreement/disagreement with this approach and why. Peter asked for feedback on agreement with the State decision and then information on the frequency of updating under each scenario.

#### **4. SSBT (Salmon, Steelhead, Bull Trout Streams)**

Kevin Godbout, Weyerhaeuser, noted that looking at results and areas in which there is actual known presence, actual downstream of known presence, the combination of concurrence of professional opinion and known presence determinations, he believed that the solution was an overreach relative to the problem identified and it would include a lot more miles of streams that are not what the Board intended to address.

Peter summarized that members see two distinctions from what was proposed. One is summer use for SSBT and the other is Observed Presence criteria over Concurrence of Professional Opinion. And where you have documented observation of presence at a headwater you can reasonably assume all downstream reaches are documented for presence. Mary noted that landowners could have an option for addressing presence uncertainties if not satisfied that the data layer reflects reality.

Bob suggested the Committee move forward with this and record where there are concerns and provide an updating process. Peter again summarized that the key disagreement between Observed Presence and whether it is correct on summer use being the same as habitat, would be to either use Observed Presence and downstream of Observed Presence only or Current Distribution of Observed Presence plus Concurrence of Professional Opinion and downstream of that as well. Bruce McIntosh, ODFW, noted that SSBT utilizes streams year round, not only in the summer season.

Members discussed Programmatic approaches versus Activity-based approaches to updates.

The discussions continued to seek consensus on the following policy questions:

***What is the best layer to use?*** - Peter explained that the rule will apply to salmon, steelhead, and bull trout streams and that the next step is for the RAC to discuss ODF's proposal to use fish habitat as the criteria to designate fish presence. Mary supported using fish habitat as criteria and the FHD as a starting point; she suggested that the RAC can recommend what FHD data is used and add additional information during the update process. Mary continued that the database has a lot of good information and is used by State agencies and it is outside of the RAC's scope to go around previous rulemaking and policy that has been decided on by previous decisions. Bob Van Dyk agreed with Mary Scurlock and suggested that they can continue improving the designations so that there is more confidence.

Kevin Godbout noted that there is a lot of information to consider and that this is a big ask early in the process. He expressed concern that using the FHD would incorporate more stream miles than those with a 'finding of degradation' for the SSBT streams and suggested considering narrow application of the FHD layer, with focus on the areas with the biggest water quality impacts, then build out requirements for other streams. Kevin also suggested that the RAC expand the conversation beyond only using habitat or presence.

Heath pointed out that landowners will be weary of any new designations and that documented observations of fish presence will allow for certainty and less bias. He recognized that if there is documented observation in the headwaters, it can be assumed that there are SSBT in downstream reaches. Heath was particularly concerned about the avenues of updating the stream layers and what data providers are allowed to provide

information that a stream has SSBT. He is concerned that this process will be abused to force rules on landowners.

Bruce McIntosh noted that when the State adopted the FHD in 2000, they went to a habitat based approach because it is difficult to prove absence; and while presence can be easy to prove, absence is difficult. The habitat layers were based off of current and historical habitat, with empirical information, with the intention of refining it in the future based off of empirical data.

Peter reflected that the question at hand seems to be around observed presence and assumed presence and that this equates to 80% versus 100% of the FHD layers, suggesting that there is not opposition to using the FHD layer; however, the RAC may potentially want to refine the use. It was noted that in the FHD there are streams that are designated as SSBT that are not, and that there are streams that have SSBT that are not designated and that a program bias has not been identified.

There were two dominant proposals that were discussed:

1. Use 80% of the current FHD layers: those with observed or downstream observed use
2. Use 100% of the current FHD layers: including those with concurrence of professional opinion

Heath noted that they would support ODFW's current survey process. Kevin noted that they are hesitant to use habitat as a surrogate to observation, as they are trying to avoid bias. Bob Van Dyk noted that may just be shifting the bias.

**The RAC expressed general agreement that the FHD layers that have documented observation, or presence designated downstream of documented observation are legitimate to use in the rule; however, there is a need for more conversation once ODF drafts language for the rule.**

*What are the criteria for updating the Database?* - Jon Bowers, ODFW, noted that they are working on further developing and updating the database. In the beginning, there was more 'professional judgement, which included multiple agencies, industry contractors, etc.', however, more recently ODFW has been focusing more on observance. Jon noted that to some extent, the database can be revised between now and when the rule is implemented, for instance, areas with known fish barriers can be updated. Angie noted that the rule will be filed in August, so they do not actually have until the rule is implemented.

The RAC generated ideas on what the 'updating' process for mislabeled streams could look like:

- Correct stream layers on a case by case basis – if fish are found or not found
- Work with Stewardship Forester to determine corrections
- Documented observations of fish presence could trigger addition to FHD
- Only allow agency biologists to document observation
- Continue to allow for a broader group to document observations (biologists, tribal fisheries, advanced degree in fisheries)
- Continue to allow for presence to be determined by professional opinion
- Produce evidence of clearly defined barrier – provide information to Stewardship Forester to verify
- GPS fish presence upstream of unit – provide information to Stewardship Forester to verify.
- The current FHD Update Protocol could be adapted to include a protocol that the committee determines for updating layers.
- Prioritize surveys on the 20% of streams that do not have documented observations
  - The RAC could advocate for the resources to support those surveys in the next legislative session
- Focus update on all fish layer, not just SSBT

The group acknowledged that this will mostly occur at the upper extent of the habitat, not mid or lower streams.

Jon noted that although the concurrence of professional opinion is an option for updating, it is not utilized much. He continued that there is a big difference between surveying the 20% of streams that have been included in the database based off professional opinion, compared to surveying the streams that are not included in the database.

Mary expressed concern that they have already narrowed the standard to only SSBT, and now some are trying to narrow it further due to some uncertainties in the FHD. She continued that there are errors in the database from both perspectives, and that those errors will be addressed moving forward.

*What is the frequency for updating?*- Peter asked the RAC for input on updating from a programmatic point of view?

- Heath noted that this only becomes an issue if the rules are going to change, this could be addressed by maintaining the rules that were in place during unit planning.
- Rules that apply when a notification is submitted are upheld, even if the notification is renewed.
- Mary expressed concern that if notifications maintain the previous ruleset, there may be a push for landowners to submit notifications just to avoid the new rules.
- Dick Courter, Small Forestland owner, noted that for small woodland owners, the more the RAC can keep the rules the same as current, the better.
- There needs to be a planning window between when the notification is filed and when the rule is implemented.

Marganne clarified that renewal of a notification is allowed into the calendar year following the authorization of the original notification, however, cannot extend into a third calendar year. There are more stipulations that can be found in the Forest Practice Act. She also noted that if ODF updates a stream as a fish stream, they are required to actively notify the landowners of the change; they could have a similar process for the new rules.

- **CONSENSUS: The RAC reached strong consensus that whatever rule was in place when the notification was filed applies to that unit plan, as long as there is no evidence of gaming the system and notifications cannot be expanded beyond the two-year allocation (all 1's and 2's).**

**The group expressed general agreement that the database needs to be updated on a case by case basis and that there needs to be established interval of programmatic update and criteria developed, however, more conversation is needed at the RAC. The group also agreed that they still need to discuss the frequency of updating.**

Peter summarized where the committee is in agreement and where there is disagreement on the SSBT topic: the committee has agreement around 80% of the current FHD layer and agreement around correcting on a case-by-case activity-basis as described under a clear set of criteria that can be implemented. There is agreement that there needs to be a programmatic update, however, the RAC did not reach agreement on the current criteria in use. Peter noted that there seems to be agreement on the frequency of programmatic update and active notification. The RAC did not reach agreement on the 20 to 30% of the FHD layer based solely on professional opinion, or using concurrence of professional opinion in the update process.

**The group expressed strong agreement (all 1's and 2's) that above statement was a fair characterization of where they have agreement and where they have disagreement.**

## **5. "Well Distributed"**

As discussed at the February 19<sup>th</sup> RAC meeting, a workgroup convened to develop language to describe what ‘well-distributed’ is in regards to tree distribution in the RMA. Dana Kjos, SW Regional Forest Practices Committee, provided the group with draft language, which is available on the RAC website. The language reads:

*“When actively managing the riparian area, the operator shall leave trees well distributed, minimizing large gaps, favoring small openings in canopy cover, and leaving residual trees in a manner which promotes understory as well as diameter and crown growth while considering safety, operational limitations, and efficient harvest of adjacent stands.”*

Dana explained that the workgroup wanted to ensure that the trees are not *evenly* distributed, but *well* distributed, which says that there is variation within and that the management can be active and simple. Also, so that operators can manage safely under operational limitations. He said that the metric used to measure could be basal area, just like the current rule. The workgroup chose the narrative approach to allow for the forester to make the decisions on the ground, as not all riparian areas are the same, and they felt that management needs to reflect the needs of the area.

Peter noted that a narrative does not allow for ODF to enforce the standard, as there are not metrics on which to base compliance, and suggested that the metric would have to be on what is removed not what is left. Mike Barnes suggested adding ‘length and width’ to the narrative as the metric. Kevin suggested taking an adaptive approach, using the first year to do field visits to see what implementation is looking like and providing guidance to landowners on the ground. Peter equated lack of a metric to an inability to enforce. Rex Storm noted that there are many narrative standards in the current rules that do not have metrics and they have been enforceable for many years.

Bob Van Dyk noted that he supports more metrics to limit the discretion, so that a gap is not right next to the clear-cut. He suggested the RAC brainstorm metrics together. Mary agreed with Bob, noting that the Board invited us to create further meaning out of ‘well distributed’ and that the Board wanted to use active management to support desired future conditions and ecological functions of the riparian area.

It was suggested that in planning operations the trees are marked and then the plan is reviewed by the Stewardship Forester to determine if it meets the spirit of the rule. This could be written into the rule to allow ODF to enforce the rule. Marking trees becomes part of the notice/specificity of what is proposed for cutting. Dick noted that this may not be practicable for operators.

Mary suggested making a process based metric, and noted that she cannot support a rule without metrics. Rod agreed with Mary.

Marganne noted that ODF will have to report to the Board regarding if they met their metrics, ODF will have to provide metrics and this is the committee’s opportunity to provide input on that. She suggested that if the RAC cannot create metrics, they could put ‘well distributed’ in the purpose statement.

Some initial metrics and other ideas were generated but no clear proposal emerged:

- Size of gap or size of trees
- Process based requirement instead of a metric, e.g. a clear plan with marked trees and work with the Stewardship Forester
- “within the length and width of the RMA”
- What is Washington doing for well-distributed?

Keith Baldwin shared that the Stewardship Foresters have two tools that they use in working with landowners; the Written Plan and the Plan for an Alternate Practice. One approach would be to create some

metrics or intent that would be written in the plan and ODF would have to approve that in some special cases of working in the riparian areas of SSBT streams.

Marganne replied to the discussion saying that if the RAC wants to include metrics, now is the time to make that recommendation.

→ **ACTION:** RAC members were encouraged to think more about what metrics could look like and provide ideas or a clear proposal to Peter by the week of March 28<sup>th</sup>.

## 6. “Relief”

As discussed at the February 19<sup>th</sup> RAC meeting, Jim James, Oregon Small Woodlands Association, drafted language for determining relief for landowners who have more than 10% of their land impacted by the new SSBT rules. Jim provided a handout with his proposal. He noted that from his perspective, the Board intended to provide relief to these landowners, and the 50ft and 70ft no-touch buffers on small and medium streams, respectively, do not provide relief. Jim suggested that the committee ask the board to take another look at their November 5<sup>th</sup> decision for ‘relief’.

Kevin noted that he liked the format of Jim’s proposal because it provided a simple calculation to determine if land is in or out of the relief program.

Bob noted that he understood that the board intended for relief to landowners when the additional increment added up to 10% of their property, not if the riparian area adds up to 10% of their property.

There was discussion around what the Board intended. Peter clarified the Board’s intent was for differential impact, not cumulative impact, of the new rules and addressing situations for low land landowners who are disproportionately affected. Jim proposed to the Committee that that they make a recommendation to the Board that they take another look at the relief they approved on the November package acknowledging what they thought was relief, was not.

There was general agreement that the RAC needs clarification from the Board.

Peter noted that the Board specifically gave the RAC the ‘parcel’ concept as the metric for the relief program (see background information provided at today’s meeting).

The RAC members presented a diversity of viewpoints:

- The rule could require that landowners show their parcel and that the percentage of land affected is greater or equal to 10%, if so, pre-2017 rules apply.
- ODF could be required to determine if the landowner meets the criteria for relief.
  - If the committee takes the word ‘parcel’ the way that the DLCD defines it, then a secondary process is required, as ODF needs an administrative review done by a county to determine whether or not a parcel meets the county requirements.
  - The committee could use a different definition of ‘parcel’. From the landowner perspective, a parcel is the contiguous acreage owned by a single landowner.
- The process needs to be simple and efficient – add the encumbrances to the notice.
- Relief is provided per ownership, not per unit.
- This ‘relief’ should be for small woodland owners, not large industrial owners – don’t want to encourage ‘parcelization’.
- Do not want to burden small landowners to go to the county for an extensive research exercise, nor to have to put in a request for this relief.

The RAC agreed that this feedback will not be brought to the board until after the April board meeting, thus allowing for time to continue to work on this issue through the RAC.

→ **ACTION:** Jim James and Dick Courter will draft a definition of parcel for the RAC's review.

### **7. Fiscal Impact**

Due to time limitations the RAC did not discuss fiscal impact; this item will be added to the next meeting agenda.

### **8. Remaining Topics for Discussion**

Robin noted that the following topics will be discussed at the next RAC meeting:

- Fiscal impact
- Encourage management
- Will the rule match up with the desired future condition?
- Aspect/general valley Azimuth
- Stream Extent

### **9. Wrap Up and Next Steps**

There was clarification that the RAC Charter states that the committee members will not talk to the Board about topics discussed in the committee during the rule making process. After the committee completes its review and recommendations to the Board, the committee can talk with the board and individuals can testify. The charter does not hold them quiet until the rulemaking is complete.

Peter noted that there was good progress made today. He suggested that the committee schedule another meeting for May, prior to the June board meeting. The RAC agreed to meet from 9:00-4:00 on May 12<sup>th</sup>, location TBD. The next committee meeting is from 9:00-4:00 on April 15<sup>th</sup> at Department of Forestry Headquarters in Salem.

### **10. Public Comment**

Robin invited any public comments. It was requested in public comment that ODF provide draft Rule language as soon as possible – sooner than a week in advance of the meeting if possible.

**The next RAC meeting will be held from 9:00-4:00 on April 15<sup>th</sup> at ODF in Salem.**